

1577
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THE
New Retorna Brevium:

Collected from the
Many Printed LAW-BOOKS extant,
CONCERNING THE
RETORN OF WRITS
In the COURTS of
Chancery, Exchequer, King's
Bench, &c.

Alphabetically digested in their proper Order.

To which are added and intermixed
Many Special Modern Retorns not here-
tofore made Publick.

WITH
Many useful NOTES and OBSERVATIONS
throughout the Whole.

Necessary for all *Sheriffs, Under-Sheriffs,*
Clerks, Attorneys, Sollicitors, Mayors, Bailiffs
of Liberties, Coroners, &c.

AS ALSO
For the Officers of the several Counties
Palatine of *Chester, Lancaster, and Durham.*

With a Compleat Alphabetical Table respecting the
said several Courts in their Order.

The Second Edition, with ADDITIONS.

In the SAVOR:
Printed by E. and R. NUTT, and R. GOSLING,
(Assigns of *Edw. Sayer, Esq;*) for John Maltby in
the *Middle-Temple Cloysters.* MDCCXXVIII.

READER



TO THE
READER.

S I R,

THIS Treatise being composed at the Request of several Gentlemen, who desired the Return of Writs might orderly appear together, is now made Publick for your Perusal, and such further Service as a Tract of this Nature can perform: If there were nothing more in it than the

To the READER.

several Special Modern
Retorns, I might well
hope you would enter-
tain it; but as it is com-
pact and carefully collect-
ed, I am apt to perswade
my self you will Encou-
rage it, and thereby, al-
so very much Oblige and
Encourage

Your

Humble Servant,

R. G.

T H E

THE

New Retorna Brevium.

On Procès Ret' in Parlamento & Cane', as also
Retorns of Commissions, Writs and Process,
Issuing out of the *Chancery, Kings Bench, &c.*

Retorn' Brevis de Procl' de Adjornamento
Parliamenti.

Execuc'o istius brevis patet in quadam
Schedul' huic brevi annex'.

Virtute brevis Dñi Regis mihi
direct' & huic Schedul' annex' ei-
dem Dño Regi certifico quod
16 die Julii Anno regni dicti Dom Re-
gis, (Ec.) apud Cantab' in Com' p'ed'
& 20 die ejusdem mensis J. And su-
pradict' apud L. in eodem Com' ac 27 die
J. And supradict' apud P. in eodem Com'
nec non 9 die Aug' An' supradice apud E. in
eod' Com' proclamari feci omnia & singu-
la in eod' brevi content' secund' formam & effectum
ejusdem brevis Et p'ut per breve illud
mihi precept' fuit In cujus rei Testimonium
Ego A. B. Ar Die Com' p'ri huic Schedu-
le sigillum meum apposui. Vide Dale.
Offic' Vic' 267.

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De Milit' Parliamenti Eligend'.

¶ Eligi feci duos milites gladiis cinctos magis idoneos & discretos de Comd meo p'd, viz. W. J. & J. S. qui quidem milites plenam & sufficien' potestatem pro Comitatus p'd heant ad faciend' & consentiend' hiis que ad diem & locum infracontent' de comuni concilio Regni Reg' Magn' Brie ordinat' contiger' Et p'd W. J. & J. S. manucapt' sunt p' J. P. W. B. J. P. & R. N. ad essend' Parliament' Dom' Regis apud Westm' ad diem infracontent' ad faciend' put istud b'reve in se exigit & requirit, feci etiam p'ceptum virtute huius b'ris J. P. & W. S. Ball' lib'at' Ville de G. q'd de Burgo de G. eligi facerent duos burgenses de discretior' & magis sufficien' q'd sint ad Parliament' dicti Dom' Regis ad diem infracontent' ad faciend' & consentiend' ut p'd est Qui quidem Vale sic mihi respondit Quod eligi fecer de p'd Burgo de G. duos burgenses discretos & magis sufficient' ad essend' ad Parliament' p'd, viz. S. W. & R. W. Vid. Kitch. of Courts 273. a. Crompt. Jur. 1. Rast. Ent. 186. Wilk. Eng. 336. Lat. 145.

Aliter Secundum Dalton 229.

Virtute istius b'revis mihi directe in pleno Comd meo tent' apud C. (tali die & Anno) p' assens' ejusdem Comd eligi feci duos milites de Comd meo p'd, viz. C. P. & J. C. ad faciend' put istud b'reve in se exigit & requirit.

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In Parl^l

Aliter Secundum Dalton ibid.

Virtute istius brevis mihi direct' ad pri-
mum Com meum post recep^on ejusdem
brevis & in pleno Com ill' tent' apud C.
tali die & Anno eligi feci duos milites
gladiis cinctos magis idoneos & discretos
de Com meo p^r, viz. W. J. & J. S. qui
quidem milites plenam & sufficien^t pote-
statem p Com (or p se & comunitate Com)
p^r heant ad faciend & consentiend hiis
(Ec. as above usq) viz. (S. W. & R. W.)
ad faciend & consentiend ut supradict' est.

Virtute etiam istius brevis proclamari
feci omnia in isto brevi content' secundum
form & effectum hujus brevis put hoc bre-
ve in se exigit & requirit Residuum vera
executionis istius brevis patet in quibus-
dam Indenturis huic brevi annex'.

The Form of the Indenture for the Knights of
the Parliament, to be returned into Chancery.

Hec Indentura fact' in pleno Com C.
tent' apud Castrum C. die jovis 30 die
Maii Anno Regni Dⁿi Georgii Regis
Dei Gra Magⁿi Ric^o Fra & Hibnie Re-
gis fidei Defens', Ec. octavo int' A. D.
M^ol^o Die Com p^r ex una parte & C. D.
M^ol^o C. J. Ar' G. H. J. K. & L. M. At,
Ec. & mult' al' p^rson Com p^r & Elea^r
duoz' M^ol^o ad Parl in brevi huic Inden-
tur consue' spec' ex altera parte qui ut
major pars totius Com p^r tunc ibidem
existed jurat' & exaiat' secundu vim for-
mam & effectum diversorum statutorum

In Parl. Inde edit' & p'bis' eliger' R. O. Mil' &
 Bar' & P. O. Mil' infra Com' p'd' comozand'
 gladiis cinctos milites habiles & magis
 idoneos & descret' Dantes & concedentes
 p'd' duobus mil' plenam & sufficien' pote-
 statem p' se & tot' Comunitat' Com' p'd' ad
 faciend' & consentiend' hiis que ad Parlia-
 ment' in dicto brevi content' de Comuni
 Concil' Regni d'ci Dni Regis nunc Mag'
 B're contigerint ordinari sup' negotiis in
 dicto brevi spec' in cujus rei testimonium
 uni parti hujus Indentur' penes dict'
 Dom' Reg' remanen' partes p'd' sigilla sua
 apposuer' alteri vero parti ejusdem Inden-
 tur' p'd' Ric' sigillum suum apposuit, Dae
 die Anno & loco supradict.

It is to be noted, as partly appears above, That every Sheriff after the Receipt of the King's Writ for Summoning of the Parliament, for the Election of Knights of the Parliament, ought forthwith to make out his Warrants under the Seal of his Office to every Mayor, and Bailiffs of Cities, and Boroughs within the County, reciting in his said Warrants the Writ of Parliament, commanding them thereby to chuse Citizens and Burgeses, to come to the Parliament (*scilicet*, if it be a City, to chuse Citizens for the same City by Citizens, and if it be a Borough, to chuse Burgeses by Burgeses, or Freemen of the same Borough.) And those Mayors and Bailiffs must make a lawful Return of that Precept to the Sheriff, by the Indentures made between them and the Sheriff, of their Election, and of their Names which are elected; and the Sheriff must set his Hand and Seal of Office to one Part of the Indentures, and then deliver it to the Mayor, or Burgeses, or Citizens to be kept;
 and

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and to the other Part the Mayor, or Citizens, ^{In Parl.} or Burgesſes muſt ſet their Hands and Seals, and deliver it as their Deed to the Sheriff, to be certified and returned by him, with the Writ of Summons, to the Clerk of the Crown, and the Sheriff ought to make a good and true Return of the ſaid Writ, and of every ſuch Return to him made by the Mayor, &c. upon ſundry Penalties. See *Crompt.* 207, 208. by 23 *H. 6.* 15. See *Dalt. Offic' Vic.* 335, &c. And the Office of Sheriffs lately published.

For the Names of the Counties, Cities and Boroughs and Ports, which do ſend Knights Citizens, Burgeſſes and Barons to the Parliament of England, vide *Dalt.* 338.

De Burg' Parliamenti eligend'.

ff. Virtute, &c. ad pꝛor' Com̄ meum poſt receptionē ejusdem Tent' apud M. tali die & anno in pleno Com̄ illo proclamari feci omnia in iſto brevi content' ſecundū formam & effectum hujus brevis pur, &c. Reſiduum vero Executionis iſtius brevis patet in quibuſda Indentur huic brevi conſut'.

*Hec Indentura facta (tali die & anno) int' M. p. Vic Com̄ C. ex una parte * & J. D. & A. B. &c. ex altera parte Teſtat' quod ſecundum formam brevis huic Indentur conſut' (fact' Proclamac in pleno Com̄ tent' apud C. tali die & anno) pꝛ J. D. & S. B. & alii qui Proclam pꝛ in pleno Com̄ pꝛ interfuer ſecundū formam Statut' in brevi pꝛ ſpec & exigenc' bzis ill' eleger A. B. & J. A. eſſend' Burgeſſ Civit' pꝛ*

* Theſe
Persons
muſt be
free Citi-
zens, or
Burgeſſes
of the
Town, ha-
ving due
Election.

In Parl.

 ad Parliament' in eodem brevi specificat', Qui plenam & sufficien^{tem} potestatem p se & Comunitat' Civit' p^{re}sent ad faciend^{um} & consentiend^{um} p^{ro}ut breve illud in se exigit & requirit In cujus rei Testimon^{ium} Partes p^{re}sent hiis Indenturis sigilla sua alternatim apposuer'. Dat' die Apr^{ilis} anno, &c.

Kitch. 273. b. Dalt. 230. Wilk. Eng. 337.

Aliter, In English by a Mayor.

This Indenture made, &c. (reciting the Day and Year, and King's Stile at large, &c.) Witnesseth, That by Virtue of a Warrant to me directed, from Sir A. B. Knt. Sheriff of the County of C. for the electing and choosing Two Burgesses, Men of good Understanding, Wit, Knowledge and Discretion, for Causes concerning the Weal Publick of the Realm, to be at his Majesty's high Court of Parliament, to be holden at his City of *Westminster*, the Day of next coming; I E. F. Mayor of the Borough (or Town) of C. with the whole Assent and Consent of the rest of the Burgesses there, have made Choice and Election of G. H. of, &c. Esq; and J. K. of, &c. Esq; to be Burgesses for our said Borough of C. to attend at the said Parliament, according to the Tenor of the said Warrant to me directed in that behalf. In witness whereof, I have to these Presents set our Common Seal of our said Borough, the Day and Year first above written.

Aliter, by the Constables and Burghers.

This Indenture made. &c. (reciting *ut supra*) between H. A. Esq; High Sheriff of the County of *Bucks*, of the one Part, and H. T. and W. L.

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W. L. jun. and Constables of the Borough and ^{In Canc.} Parish of *Aylesbury*, in the said County of *Bucks*, and *F. L. Esq;* *R. C. Gent.* (with Forty-four others named) and others the Burghers, and Inhabitants of the said Borough of *A.* of the other Part; *Witnessth*, That by Virtue of a Precept to the said Constables, directed and delivered by the said Sheriff, under the Seal of his Office in that behalf, They the said Constables, Burghers and Inhabitants, have of their full Consent duly chosen Sir *J. W. Bart.* and *S. M. Esq;* Two Burgesles, fit and discreet Men to serve for the said Borough, in the Parliament to be holden at his Majesty's City of *Westminster*, the 18th Day of *January* now next ensuing according to the Tenor of the said Precept; giving, and by these Presents granting to the said Two Burgesles so chosen, full Power for themselves and the Communality of the said Burrough, to do and consent as in the said Precept is specified, *In Witness* whereof, to one Part of these Presents remaining with the said Sheriff, they the said Constables, Burghers and Inhabitants have hereunto set their Hands and Seals; and to the other Part remaining with the said Constables, the said Sheriff hath set the Seal of his Office, the Day and Year first above written.

Subscribed by the said Constables, and Forty-seven others.

Ex' per Record in le Petty-Bag-Office.

Vide plura post.

In Canc'

Ad quod Dampnum.

Retorn' inde in Canc' concerning a Market.

ff. Executio istius brevis patet in quadam Inquisitione huic brevi annexa.

Respons' D. N. Ar' & P. R. Ar' Vic' Com' N. prædict'.

Inquisitio indentat' capi' apud H. in Com' p'd 15 die D. año rñi Dom' Caroli secund', &c. coram me D. P. Ar' & P. R. Ar' Vic' Com' p'd virtute brevis Dñi Regis mihi direct' & huic Inquisitioni annexa p' sacra C. R. J. S. N. P. J. C. &c. p' horum & legalium hominum Com' p'd qui jurat' & oñat' sup' sacra suum p'd dic' qd non erit ad dampn' vel p'judic' dñi Dñi Regis aut aliorum si deus Dñus Rex concedat J. C. in brevi p'd nōiat' quod ipse & heredi sui duo Mercata in eodem brevi spec' in diebus Martis & Jovis in singulis septimanis p' annu' in brevi p'd mētonat' ad emend' & vendend' averia & pecudes in quodam loco vocat' le Conduic Mead in brevi p'd nōiat' tenend' & p' totos dies illos respective continuand' sibi & heredibus suis imp'pund' habeant teneant & custodiant & tolucta & p'ficia inde p'veniend' & emergend' sibi & heredibus suis p'cipiend' juxta exigentiam b'vis p'd Et ulterius Jue p'd sup' sacra suu' p'd dicunt quod non erit ad dampn' vel p'judiciu' dñi Dñi Regis aut alior' si deus Dñus Rex concedat fiat J. C. quod ipse & heredi sui

sui duas nundinas in singulis annis in In Parl.
separalibus diebus in huiusmodi p[re]sentat' men-
tional' respective annuatim ad emend' & ven-
dend' ododa mercimonia & merchandizas
in loco p[re]sentat' tenend' & p[er] spatium in eod[em] h[uius]m[od]i
s[er]vie specificat' respective continuand' sibi &
heredibus suis imp[er]petuum similiter teneant
teneant & custodiant necnon ododa emo-
lumenta & p[ro]ficia inde p[ro]venien[da] & emergentia
sibi & heredibus suis p[re]cipiend' secundum exi-
gent' h[uius]m[od]i p[re]sentat'. In cujus rei testimonium tam
ego p[re]fatus Vic[ar]ius quam Iur[es] p[re]dicti huic In-
quisitioni sigilla n[ost]ra apposuimus die a[n]no &
loco supradict'. See the Appendix to the Re-
gister of Original Writs, fol. 10.

Aliter concerning a High-way.

Inquisitio indentat' capt' apud C. in pa-
roch de C. in Com[itu] p[re]dict. 21 die Ian[uarii] a[n]no
r[egni] D[omi]ni n[ost]ri Car[oli] secund[us] Dei gra[ti]a Angl[ie]
Scot[ie] Franc[ie] & Hib[ernie] Regis fidei Defens[or]
& 18º coram me W. L. Mil[ite] Vic[ar]ius Com[itu] p[re]dict
Virtute h[uius]m[od]i D[omi]ni Regis mihi direct' &
huic Inquisitioni annex' p[er] sacra[m] A. B. C. D.
E. F. G. p[ro]p[ri]a & legium homin[um] de bal-
lia mea qui iurat & o[mn]iat' sup[er] sacra[m] suu[m]
p[re]dict ad veritat[em] dicend[um] de & sup[er] Materis
in Articulis in eodem h[uius]m[od]i spec[ie] die q[uo]d non
erit ad dampnu[m] vel p[re]judic[ium] ded[um] D[omi]ni Regis
aut alior[um] si idem D[omi]nus Rex concedat R. S.
Mil[ite] in eodem h[uius]m[od]i m[en]te q[uo]d ipe Co[m]m[un]e' Re-
giam viam in C. p[re]dict que se ducit a Chip-
sted p[re]dict p[er] mansu[m] ipsius M. ibi usq[ue] R.
als R. in paroch de Seven Oake in Com[itu]
p[re]dict in h[uius]m[od]i p[re]dict spec[ie] includere ac illam sic
inclusam tenere possit sibi & heredibus
suis

In Parl. suis p̄ largacōne & meliori accomodacōne
 Manū sui p̄d̄ imp̄p̄m Ita qđ loco Cois
 Die ill̄ und at Cōem Diam ejusdem longitu-
 dinis & latitudinis in p̄p̄ solo ipsius R.
 ibm adeo competentem transeuntibus p̄
 biam ill̄ facit modo & forma prout in brebi
 ill̄ continet Et ulterius Jur' p̄d̄ dicunt su-
 per sacm̄ sum p̄d̄ Qđ p̄d̄ Cois Dia sic in-
 cludenda continet in longitudine 93 perti-
 cas & in latitudine 21 pedes. In cujus, &c.
 Vide Offic' Brev. 208.

Sut Adjornament de la Term, &c.

Virtute, &c. omnia brevia mihi deliberat
 seu deliband' coram Judic' infrascript' a-
 pud Westm̄ in Octab' Sancti Hil' returna-
 bil' sive return' habeo coram Justic' infra-
 script' apud Westm̄ die, &c. unacum omnib'
 executionib' eorundem Et ulterius ad Com-
 meum tent' apud C. tali die & Ann' publ'
 Procl' feci quod Partes in eisdem brevi-
 bus nōiat dies suos coram Justic' apud
 Westm̄ ad p̄stat' Terminū conserbarent
 put istud brebe in se erigit & requirit.
 Vide Dalt. Offic. Vic. 296. Kitch. 273. b. Wilk.
 Eng. 337.

Attach-

Attachment.

Return non est invent'.

Infranomina^t A. B. non est invent' in
Balliva mea.

Attach' privileg' vers' 3 extra Canc', unde Vic'
retorn' qd' un' Def. est capt', alius non est invent',
& tertius fecit rescussum. Co. Ent. 678.

A B. Ar' Vic'.

Of an Attachment and Proclamation in Canc'.

Infranoⁱat' A. B. non est inven^e in bal-
lia mea, Et in oib' locis in ballia mea,
tam infra libertates quam extra, publice
p^rclamari feci qd' infranoⁱat' A. B. p^rsonali-
ter compareat coram D^{no} Rege in Cancell-
lar' sua infra scripte ad diem & locum infra
content' ad respond' D^{no} Regi de quodam
contemptu. Et ulterius ad faciend' & reci-
piend' quod eidem Cur' in hac parte vide-
tur expediens put p hoc bre mihⁱ p^reci-
pitur.

R. S. Ar' Vic'.

Vide Greenwood revised, 244. & vide postea
Tit. Proclamation.

Aliter.

Vir^tute istius bre^s mihⁱ direct' D^{no} Regi
certifico qd' 5^o Aug' aⁿo regni Dⁿⁱ Regis
infra scripte 3^o apud C. in Com. C. infra
spec' & 9^o die Aug. aⁿo supradice apud L.
in Com p^o necnon 1^o die Sept' aⁿo supra-
dice

Id Parl.

W diet apud N. in Com p^o p^oclamari feci omnia & singula in ista h^orebi content^o secund^o formam & eff^o ejusdem h^oris put^o interius mihi p^ocipitur. Et ulterius d^oca D^ono Regi certifico, quod infran^oiat J. S. non est invent^o in ballia mea. Vide Dalt. 298.

Retorn of a Writ of Capias *si Laicus*, upon a Statute or Recognizance acknowledged in Chancery.

Domino Regi in Cancellaria sua infra script^o certifico quod infran^oiat Johes Cotton Laicus est, & non est inventus in ballia mea res^o vero executionis hujus h^oris patet in quadam inquisitione huic h^orebi annex^o.

A. B. Ar' Vic'.

Vide Offic. Brev. 215. & vide postea.

Certiorari super Protectione qd' moram trahit propr' negoc' suis intend'.

¶ Virtute istius h^oris D^oni Regis infra script^o in Cancellaria sua sub sigillo meo distincte & aperte significo, Qd^o W. C. infran^oiat^o sub salva custod^o vittillae & tuitione Ville Castri Marchia^o D^oni Regis & in obsequio ejusdem D^oni Regis in S. p^o con sanguinei sui W. D. locum tened^o sui Gedat Ville Castri ac March p^o juxta formam Dom^o Regis Literar^o Patent^o p^o quas idem D^omus Rex p^ofac^o W. C. in p^otecc^o & defension^o suam nup^o suscepit, non moratur, sed moram trahit in Civit^o L. p^opiis negoc' suis intendens, &c. Kitch. 274. a. Vide Dalton 297. Wilk. Eng. 338.

Certio-

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Certiorari de Indictament.

Virtute, &c. Oia & singula Indictamenta R. B. infranōiaē coram Dño Rege ubicunq; fuerit in Anglia ad diem infracontenē mitto in quadam schedul huic breui consut' .Dalt. 296.

Aliter.

Virtute, &c. Indictament' illud unde in dñō breui sit mentō unacum oībus idem Indictament' tangend' in Cancellar' dcd Dñd Regis mitto, &c. Dalt. 296.

Aliter of a Statute.

The Sheriff may return, That he had at another Time certified it into the Chancery, as appears by the Inrollment thereof made before the Mayor, &c. 'Tis a good Return. Vide Dalton 296.

Certificate.

Certificate of Security of the Peace given before the Allowance of a Pardon. *Vide postea, pa. De Securitat' pacis.*

Dedimus Potestatem ad inquirend' de Literis Paten', &c.

Virtute, &c. Pom Reg' in Cancellar' suam certificand' Quā R. B. infranōiaē coram nob' sacrm p'stitit corporale Qu' Ille Paten' unde infra sit mentō ad man' infranōiaē C. D. testatoz' sui debener Sed p. sacrm suū

In Parl.

fuit die quod nihil de Articulis & aliis
Circumstantiis in eisdem Iris Patenti specifi-
cat' coram se invenit fuit.

Respons. H. L. & J. D. Commiss.

Vide Kitch. 276. a. & Dalton 297. Wilk.
Eng. 343.

Retorn' del Commission' de Dedimus ad capi-
end' Respons'.

¶ Virtute istius Commissionis nobis direct'
cepimus respons' C. D. infrascript' sup sa-
crum Dei Evangel' quod omnia in eadem
responsione sunt vera, Que quidem respon-
sio sic cap' est huic Commissioni annex' [unacum
billa nobis filit' in eadem direct'] & omnia
alia que in eadem Commissione continent' sive
ad eandem pertinent fieri fecimus secundum
effectum & tenorem ejusdem prout interius
nobis precipit.

Kitch, 276. a. Dalt. 297, Wilk. Eng. 344.

Of a Commission of Rebellion.

Dñs Regi certifico quod tempore recep-
tionis istius Commissionis mihi & al' direct' in-
frascript' W. W. cap' & arrestat' fuit
per W. S. Mil' die Com C. Virtute di-
versor' brevium eidem die direct' & Gaule
Dñi Regis Castri sui de C. per eundem vic'
commissus fuit in qua quidem Gaule p'fat'
W. S. p'fat' W. W. virtute istius Commis-
sionis attachiari feci prout interius mihi pre-
cipit Sed corpus ejus ad diem & locum in-
frascript' here non possum quia idem W.
in ead' Gaule in Salva Custodi dice vic' ob
diversis aliis causis ibidem detinet'.

A. B. Commissioner.

Ded'

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Ded. pot. ad recipiend' Cognicon' in Canc'.

Respon' E. G. Gen' Commislar' infrascript'.

¶ Virtute istius brevis mihi direct' personalit' accessi ad infranominat' T. C. apud, &c. die, &c. Qui quidem T. die & loco p'dice coram me fatebat se fore persolue & satisfact' de 200 l. in Recog'n infrascript' specificat' ac etiam tunc & ibidem idem T. instans petiit quod irrotulament' ejusdem Recog'n vacaret cancellaret & omnino dampnaret de quibus d'co D'no Reg. in Canc' suam certifico ac ejusdem T. Cognitionem in forma p'edia fact' mitto unacum hoc brevi put interius p'ecipit. E. G. vide Appendic' ad Regist. Orig' fol. 23.

Ded. pot. ad recipiend' Sacrm' Vic'.

¶ Virtute istius brevis nobis direct' (tali die) & anno infra scripse recipimus Sacramentum infranominat' J. B. Vic Com' Hanc * de Officio illo bene & fideliter faciend' juxta formam cujusdam Schedul' p'resentibus annex' prout interius nobis p'ecipit ac put breve illud in se exigit & requirit.

Offic' Brev. 224.
* Tam de Officio illo bene & fidelit' faciend' qm' sacrm specificat' &c.
See after.

H. M. }
M. M. &c. }

Commission'.

Dalt. 297. Wilk. Lat. 149.

Aliter Secundum Dalton, fol. 13.

¶ Virtute istius brevis nobis direct' (tali die & anno, &c. infrascript') recepitimus Sacrm infranominat' J. B. Vic cantab' de Officio

The New Retorha Brevium.

Officio illo bene & fideliter faciendū juxta
formam cujusdam Schedule presentibus an-
nex' prout interius nobis precipit.

F. B.

&

M. B.

} Commissioner.

Aliter ibid.

Execuc' istius brevis (or Commissionis) pa-
Schedule. tet in quadam Schedule huic brevi annex'.

ff. Nos J. B. & M. B. in Canc Dñi
Regis humillime certificamus, quod vir-
tute his Dñi Regis nob direct' & huic
Schedule annexat', quarto die mensis De-
semp'r anno rñd dicti Dom nrd Georgii
Dei gra Regis Mag. Brit. &c. apud C.
in Com C. recepisse sacrament A. B. Mre
in brevi pdict' nominat' tñ de Officio Vice-
com in dco Com C. bene & fidelit' faciendū
juxta formam Schedule brevi pdict' annex'
quam sacramd specificat in Act Parliament
anno rñd dicti Dñi Regis Georgii nunc
sexto fact' secundū tenorem brevis & Sche-
dul' brevi pdict' similis annex' & in omni-
bus execut' prout in pdict' brevi precipit'.

F. B.

&

M. B.

Aliter per Magrm' Cancellar', idem 14.

Ego J. C. Magistr' Cancellar' in Can-
cellar Dñi Regis certifico me die 12.
anno reg' Dñi Regis Georgii Dei gra
Mag. Brit. &c. 12 apud N. in Com Can-
tab' recepisse sacramd J. C. Bar Die Com
pdict'

pdia' tam de Officio Vic' in dco Com bene & fidelit' faciend' quam sacrm' specificat' in Nou Parliamenti anno rñd dicti Dñi Regis sexto fact', In cujus rei testimonium huic presenti Certific' sigillum meum apposui Datum, &c. apud R. die & anno supradict'.
J. E.

Retorn' de Dedimus ove Garrant del Attorney.

Executio istius Commissionis patet in quadam Schedul' huic Inquisitioni annex' R. H. T. H. Rec' 6 s. 6 d. C. C.

Coznub ff. C. R. Gen' quem J. J. voc' ad Mare pō lō suo C. D. & M. S. scd' Attorū suos conjunctim & divisim vers' J. R. Gen' ad lucrand' vel perdend' de placito terre C. R.

Capt' & cogit' eozam nobis apud H. in Com C. ult' die Maii Anno Dom' 1726.

R. H. T. H.

Ded. pot' extra Canc', to admit a Guardian for an Infant.

M. ff. De v' pō admittere J. P. Ar & J. R. Gen' ad comparend' & defend' in Cur' Dñi Regis de Banc' p M. P. spinst' infra etat' existend' de placito Particonis de Manio de f. cum pertind' & 15 Messuagiis, &c. cum pertind' in M. & C. ad sect' G. S. Bar.

Comiss' direct' G. J. Ar J. J. Gen' M. G. & M. G. Gen'.

Retorn' inde.

M. ff. J. P. Ar & J. B. Gen. admittunt p Cur' Dñi Regis de B. hic ad com-
C pa-

The New Retorha Brévium.

Officio illo bene & fideliter faciendū juxta
formam cujusdam Schedule presentibus an-
nex' prout interius nobis precipit.

F. B. }
& } Commissioner's
M. B. }

Aliter ibid.

Execuc' istius brevis (or Commissionis) pa-
Schedule. tet in quadam Schedule huic brevi annex'.

N. Nos J. B. & M. B. in Cane Dñi
Regis humillime certificamus, quod vir-
tute his Dñi Regis nob direct' & huic
Schedule annexat', quarto die mensis De-
sempre anno rñd dñi Dom nrd Georgii
Dei gra Regis Mag. Brit. &c. apud C.
in Com C. recepisse sacrament A. B. Mre
in brevi pdice nominat' tñ de Officio Vice-
com' in dco Com C. bene & fidelit' faciendū
juxta formam Schedule brevi pdia' annex'
quam sacram' specificat in Ace Parliament
anno rñd dñi Dñi Regis Georgii nunc
sexto fact' secundū tenorem brevis & Sche-
dul' brevi pdice similis annex' & in omni-
bus execut' prout in pdice brevi precipit'.

F. B.
&
M. B.

Aliter per Magrm' Cancellar', idem 14.

Ego J. C. Magist' Cancellar' in Can-
cellar Dñi Regis certifico me die 12.
anno reg' Dñi Regis Georgii Dei gra
Mag. Brit. &c. 12 apud N. in Com Can-
tab' recepisse sacram' J. C. Bat' Die Com
pdia'

pdia' tam de Officio Vic' in dco Com bene & fidelit' faciend' quam sacrm' specificat' in Nou Parliamenti anno rñd dicti Dñi Regis sexto fact', In cujus rei testimonium huic presenti Certificac' sigillum meum apposui Datum, &c. apud B. die & anno supradict'.
J. E.

Retorn' de Dedimus ove Garrant del Attorney.

Execucio istius Comissionis patet in quadam Schedul' huic Inquisitioni annex' R. H. T. H. Rec' 6 s. 6 d. C. C.

Cornub ff. C. R. Gen' quem J. J. voc' ad Mare pō lō suo C. D. & M. S. scd' Attorū suos conjunctim & divisim vers' J. R. Gen' ad lucrand' vel perdend' de placito terre C. R.

Capt' & cogñ' eozam nobis apud H. in Comd C. ult' die Maii Anno Domd 1726.

R. H. T. H.

Ded. pot' extra Canc', to admit a Guardian for an Infant.

M. ff. De d' pō admittere J. P. Ar & J. R. Gen' ad comparend' & defend' in Cur Dñi Regis de Banc p M. P. spinat' infra etat' existend' de placito Particonis de Mañio de f. cum pertind' & 15 Messuagiis, &c. cum pertind' in M. & C. ad sect' O. S. Bar.

Comiss' direct' G. J. Ar J. J. Gen' M. G. & M. G. Gen.

Retorn' inde.

M. ff. J. P. Ar & J. B. Gen. admittunt p Cur Dñi Regis de B. hic ad com-
C pa

In Canc'. parendi & defendend p M. P. spinstre infra
 Etat existen ut Gardiani ejusdem M. adis
 O. S. Bar de placito partitionis, &c.

Admissi sunt 23 die Jan anno rñd Regis
 Georgij 10. coram nobis.

O. J. J. J.
 &
 M. G.

Elegit, vide postea Inquisic'on'.

De eligend' Virid' Forestæ.

Dño Regi certifico quod infranōiæ J. P.
 ante advent istius brevis mihi direc' mor-
 tuus fuit. Adq; ego post recepcon istius
 brevis mihi direct' in pleno Com meo tene
 apud C. in Com meo 29 die Marti anno
 infrascript' ex assensu ejusdem Com loco
 predict' J. eligi feci quendam P. S. At Viri-
 dar' Forestæ de B. infrascripte ad faciend
 put istud breve in se exigit & requirit.

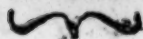
Vide Dalt. 230. Kitch. 275. a Wilk. Eng.
 340. Lat. 150.

De eligend' Coronator'.

Ad Com meum tene (tali die & anno)
 in pleno Com pdict' virtute istius brevis de
 assensu ejusdem Com loco P. H. infranōiæ
 (qui diem clausit extremum) eligi Coro-
 nator' viz. J. W. qui (put mortis est)
 sacrm prestitit corporale quod ipse ea faciet
 & conservaberit, que ad Offic' Coron in
 Com pdict' pertinent faciend put interius
 mihi precipit, &c.

Vide Dalt. 229. Offic. Brev. 216. Kitch. 275.
 a. Wilk. Eng. 341.

Aliter.



Aliter.

Virtute istius brevis mihi directe in pleno
Com meo tent' apud Castrum Ebor 2 die
Aprilis anno, &c. in Com pdict ex assensu
ejusdem Com loco infranomat' C. W. eligit
feci G. H. de R. in Com pdict' Gen un Co-
ronatoz' qui quidem G. eodem die in pleno
Com pdict prestetit sacm suu put mozis
est secundum forma & effectum hujus brevis
ea facere & conservare que ad Offic' Cor-
nat' pertinent faciend & exequend in Com
pdict put idem bre in se erigit & requirit.

T. R. Ar' Vic'.

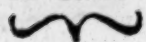
Vide Greenwood revised, 226.

Extent infra libertates & Levavi.

A. B. infranominat' non est invent' in
balliva mea Et ideo virtute istius brevis
mihi directe extendi & appzeiari feci omnia
terras & tenta bona & catalla predia' A. in
dca balliva mea Que quidem Extent' huic
brevis est annex' Ac etiam omnia terras &
tenta pdict' in eadem extent' spee unacum
dampnis & custag suis raconalibus levabi
juxta form Statut' inde edit' & pvis' Et
secundum forma hujus brevis.

Vide Kitch. 271. a & Wilk. Eng 331.

In Canc'.



Retorn' Inquisic' liberari fec' sur Recogn' extra Cancel'.

Executio istius brevis patet in quadam Inquisitione huic brevi annex'.

Inquisic' indentat' (&c.) Qui dicunt super sacrm suum quod E. M. in bzebi pdict' nominat' die captonis hujus Inquisic' fuit possessionae de diversis bonis & catallis sequen', viz. de frument' voc' Rye ad valenc' 10 s. de hozdeo ad valentiam, &c. & de quibusdam utensilibus voc' Household-stuff ad valenc', &c. Que quidem bona & catalla ego p'fat' vic' liberari feci p'fat' R. per p'cium pdict' put per bzebe pdict' mihi p'cipit' Et ulterius Jur' pdict' super sacrm suum pdict' die quod pdict' E. die recogn' debet' in eodem bzebi spec' seu unqm' postea nulla alia sive plur' huit bona aut catalla terr' neque tenementa in Com' pdict' que R. M. in eodem bzebi nominat' liberari facere possum, in cujus rei testimonium, &c.

Vide Dalt. 299.

Cap. & Extent' Retorn' del brief. Inquisition', Liberate, Retorn' del Liberate, Le Cognisoz conust auter Statut' al Estranger, en le Chancerie, le darrein Conusee moztu' intestate Et le Def. esteant Adm' recover in le Chancerie, Elegit agard & execute del moieties des Terres deliver al Plaintiff' devant.

Vide Co. Ent. 234, 235, &c.

Retorn

Retorn of an Extent upon a Statute acknowledged in *Chancery*, with an Inquisition there-to annexed.

Domino Regi in Cancellaria sua certifico quod infranominat' W. B. laicus est Et non est indent' in balliva mea.

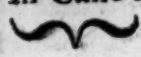
Resid' Executionis istius brevis patet in quadam Inquisitione huic brevi annex'.

H. M. Bar' Vic'.

The Inquisition.

Inquisitio indentat' capt' apud E. in Com. pdict' tertio die Maii anno Regni, &c. decimo coram me Humfrido M. Mil Die Com pdict' virtute brevis dicti Domini Regis mihi direct' & huic Inquisitioni annex' p sacrament' A. C. C. D. probor' & legalium hominum de balliva mea qui Jurati & o-nerati super sacrament' suum dicunt quod W. B. Mil & Bar in dicto brevi nominat' tempore recognitionis debiti in eodem brevi specificat' scilicet nono die Septembris anno Regni dicti Domini Regis nunc Septimo seiscus fuit & modo seiscus existit in dominico suo ut de feodo de E in Maneriis de D. & C. cum suis & eorum alterius juribus membris & pertind quibuscunq; in dicto Com H. clari annui valoris in omnibus erit' ultra reppis ducentar' librar' ac de E in uno capitali Messuagio uno Columbar' cum omnibus domibus atriis pomariis gardinis & hereditamentis quibuscunq; eidem Messuagio spectand' communiter vocat' D. place scilicet & existend' in D. pdict' in Com pdict' modo vel nuper in tenura sive occupatione W. H. vel Alignd suor clari annui valor' (&c.) ac

In Canc'. de & in uno Clauso Pasture cum pertin' com-
 munit' vocat' sive cogn' per nomen de le hither
 Grove continen' per estimonem quatuordec-
 cim Acres jacen' & existen' in Parochia de
 D. pdict' modo vel nuper in tenu' (sc.) ac de
 & in diversis Cataractis, Anglice vocat' Fish-
 ing Wears, in Rivo de M. posit' & erect' cum
 pertin' & libera piscaria in eodem Rivo in-
 fra parochiam pdict' ac de quibusdam Insu-
 lis vocat' Isles cum Salicibus plantat' in eo-
 dem Rivo infra eandem Parochiam modo
 vel nuper in tenura (sc.) clari (sc.) ac de &
 in uno Molendino cum pertin' vocat' a Pa-
 per Mill, & duabus aeris prati cum pertin'
 cum eodem usitat' & occupat' cum omnibus
 aquis Rivis aquar' cursibus stagnis ripis
 & Hereditamentis quibuscunq' Molendino
 pdict' spectan' vel cum eodem usitat' situat'
 (sc.) Et Juratores pdict' super sacramentum
 suum pdict' ulterius dicunt quod pdictus W.
 B. Mil' & Bar' dicta die Recogn' de bi in bre-
 vi pdict' mentonar' seistus fuit & adhuc sei-
 situs existit in dominio suo ut de libero Te-
 nemento pro Termino vite sue remanet Dñe
 Margarete ux' sue pro Termino vite ipsius
 Margarete remanere Heredibus Masculis
 corporis pdict' W. B. de corpore pdict' Dñe
 M. procreat' remanere rectis Heredibus ip-
 sius W. B. de & in Messuagiis terris Tene-
 mentis & Hereditamentis cum pertin' hic
 postea mentonat' (viz.) de & in toto ill' capi-
 tal' Messuagio vocat' the Mansion-House of
 D. Court, cum omnibus Domibus Horreis
 stabulis atriis Pomariis Gardinis Tene-
 mentis & Hereditamentis quibuscunq' ad-
 inde spectan' vel cum eodem usitat' & occupat'
 jacen' (sc.) Et Juratores pdict' super sacra-
 mentum suum pdict' ulterius dicunt quod
 predict'

predict' W. B. predict' tempore Recogniti. In Canc.
 onis debiti in brevi predict' specificat' & 
 semper postea hucusque fuit & modo existit
 seiscus in dominico suo ut de libera Tene-
 mento p Termino vite sue remanere dicte
 Dñe M. modo uxori sue remanere eidem
 W. B. & Heredibus suis de & in omnib'
 & singulis Mesuagiis terris pratis Pastur'
 Tenement' hic postea mentonat' (videlicet, &c.)
 omnia que quidem Maneria Terr' Tene-
 ment' & Hereditament' pdict' quecumq; cum
 pertind tam unde pdict' W. B. seiscus exi-
 sit in feodo simplici ut pferetur qm unde
 idem Willus seiscus existit pro Termino
 vite sue remanere in forma predict' spectan-
 acetiam predict' reversionem predict' alioz
 terrar' & Tenement' cum pertind contingend
 ab & post mortem predicti E. C. vid Ego
 pferat' vic predict' die captionis hujus In-
 quisiitionis Virtute brevis pred' iuxta verum
 valorem eorundem supradict' extendi & in
 manus dñi Dñi Regis seiscari feci prout
 istud breve in se exigit & requirit Et Ju-
 ratores predicti ulterius dicunt quod predict'
 W. B. non habet aliqua bona seu catalla
 nec al' sive plur' terras sive Tenementa in
 balliva mea nec habuit die Recognitionis
 debiti predict' in brevi pdict' specificat' seu
 unquam postea ad noticiam eorundem Jur'
 Et Juratores predict' super sacramentum
 suum predict' ulterius dicunt quod predictus
 W. B. predicto tempore Recognitionem debiti
 predict' in brevi predict' specificat' & semper
 postea hucusque seiscus fuit & modo seiscus
 existit sibi & Heredibus suis de Reversione
 contingend de medietate post mortem Dñe
 A. H. vid matris ipsius W. & modo super-
 stitis & in plena vita sua existend de & in
 quibus

In Canc'. quibusdam (Ec.) In cuius rei Testimonium, &c.

H. M. Bar' Vic'.

Vide Offic' Brev', 207.

Liberate in Canc'.

¶ Dñs Regi in Cancellar' sua infra script' ad diem & locum infracontent' ubicunq;, &c. certifico quod Virtute istius brevis mihi directi nono die Maii anno decimo Regni Domini Regis infrascript' liberari feci infranominat' Johi D. omnia & singula Mesuagia sive firmas Columbar' Nozr' Stabul', &c. cum pertind per Extent' infrascript' tenend' sibi & Aliis suis ut liberum Tenementum suum quousq; sibi de debito quinquagint' libe in brevi predict' specificat' unocum dampnis mis & expens' suis que in hac parte rationabiliter sustind plenat' fuit satisfact' p'out istud breve in se exigit & requirit Ac p'out interius mihi precipitur Et ulterius certifico quod infranominat' Johes Doe Laicus est & non est invent' in balliva mea.

T. K. Ar' Vic'.

Offic' Brev', 222.

Liberate sur Extent. Rast. Ent. 598.

Virtute, &c. libadi infranominat' B. S. Mania terras & Tenement' infrascript' habend' sibi & Aliis suis ut libum Tenement' suum quousq; sibi de debito infrascript' unacum dampnis mis & expens' suis fuerit satisfact' put, &c.

Vide Kitch. 271. a. & Wilk. Eng. 330. Dalton. 261.

Aliter

Aliter.

Virtute, &c. Dñs Regi in Canc^r sua ad diem & locum infracontent' ubicunq; tunc fuerit certifico quod tali die & anno seisinam & possessionem de & in Maniis terris & Tenementis infrasp^c infranominat' M. C. liberabi secundū exigenc' istius brevis Ac infranominat' H. M. non est invent' in balia mea.

Vide Kitch. 271. a. & Wilk. Eng. 330.

Aliter.

J. M. infrascript' non est invent' in balia mea Ideo ipsum capere non possum ad p^resens, sed quoad extend' & app^reciand' omnia terras & catalla ipsius J. M. juxta formam istius brevis, C^reto inde patet in quadam Inquisitione huic brevi consut'. Que quidem terras & catall' in dca Inquisitione content' in manus Dñi Regis seisi feci, &c.

Vide Kitch. 271. & Wilk. Eng. 331.

Retorn of an Inquisition upon an Elegit, issuing out of Chancery, upon a Recognizance taken there.

ff. Inquisitio Indentat' capt' apud S. in Comitatu' p^rdia' (tali die & anno) coram me B. C. Bar Vic Com p^rdict' virtute brevis Dom^r Regis mihi direct' & huic Inquisition' annex' (R. A. M. B. & ceteri terrarū tenent' in brevi p^rdia nominat' per me inde p^rius premunit' existens si interesse voluerint) per sacramentum F. B. Gen^r (& ceteri Jur)

In Capc.

Iur) qui **Iurat** & **onerat** existend dicunt sus-
 per sacramentum suum quod unum molend-
 dinu aquaticum cum pertinentis comuni-
 ter vocat' **Holme Milne** & **sex Acre** prati &
 Pasture eidem molendino aquatico vocat'
Holme Milne spectand sive pertinen situat'
 jacend & existend in parochia de **W. & G.**
 in Com' **pdia** seu in earum una & in brevi
 pred' menconat' ac modo vel nuper in tenura
 occupatione cuiusdam **J. C.** vel assignato-
 rum suorum in eadem brevi nominat' sunt
 Clari annui valoris in omnibus exitibus
 ultra reprisas decem librarum, &c. (and
 so set out all the Particulars) Quam quidem
 medietatem scilicet **pd** molendinum aqua-
 ticum vocat' **Holme Milne** & cetera pre-
 missa **pdia** in ista Inquisitione prementi-
 onat' cum pertinentiis ego prefat' vic' postea
 scilicet (tali die) [**pdia** **A. R. B. M. &c.**
 terr' & tenend **pdia** per me inde premunit'
 existend si interesse voluerint) liberari feci
E. B. vid' in eadem brevi similiter nominat'
 (per **T. S. Gen** ejus in hac parte certum
 Attornatum sive Assignu legitime constitut')
 tenend medietatem **pdia** cum pertinentiis
 sibi prefat' **E. B.** & Assignu suis ut liberum
 Tenementum suum quousq' crescent' libe-
 rone & legalis monete Anglie plenat fuerint
 inde lebat' juxta exigentiam ejusdem brevis
 ac prout per idem breve mihi precipitur.
 In ejus rei Testimonium, &c.

Liberari
 per At-
 tor'.

R. E. Bar' Vic'.

Vide Dalton. 549.

Of Liberate out of Chancery.

Virtute hujus brevis deliberavi infran-
 minat' **J. S. Maneria Messuag** parc' bose
 ac

ac omnia & singul' terr' & Tenementa cum In Canc'.
 pertin' inframentonant' habend' sibi & Magn' suis
 tanqu' liberum Tenement' suum quousq' plenar' satisfact' erit de debito infra-
 mentonant' cum dampnis mis' & expens' suis
 rasonabilit' sustent' put per istud breve precipi-
 pit' Et ulterius certifico dicto Dño Regi qd
 infranominat' R. W. non est invent' in balli-
 va mea.

R. S. Ar' Vic'.

Vide Wilk. on Greenwood, 229.

Aliter Secundum Dalton, 261.

Virtute istius brevis (tali die & anno) li-
 habi R. S. infranominat' Manerid' infra
 spec' cum pertin' tenend' sibi & Magn' suis
 ut liberum tenent' suum quousq' Ubi de de bo
 infrascript' una cum dampnis mis' & ex-
 pens' que in hac parte rasonabilit' sustinuit
 plenar' satisfact' fuerit put istud breve exi-
 git & requirit. R. S. infranominat' non
 est invent' in balliva mea.

Note, Upon a *Liberate*, if the Sheriff hath
 duly executed the Writ, and paid the Money
 to the Plaintiff; its said he need not return the
 Writ. Dalton 261.

Aliter.

Virtute istius brevis mihi direct' Dimiss'
 infrascript' vendidi p summa 10 l. Et denar'
 ille habeo coram Justic' infrascript' ad diem
 & locum infracentent' ad reddend' infrano-
 minat' E. W. in parte debi sui infrascript'
 accediam virtute brevis pdict' terr' & Tene-
 menta in forma infrascript' extendit (tali
 die, &c.) deliberavi pfect' E. W. tenend' ut
 liberum

In Canc. liberum Tenementum suum sibi & Amicis suis
 secundum formam Statuti predicti infrascripti
 prout interius mihi precipit.

Vide Brev. Judicial' 258. vide postea sur Ex-
 tent' & Inquisition' in le Excheq; de tribus parri-
 bus Manerii sur Lease.

Ne Exeat Regnum.

¶ Ante adventum istius brevis & ante
 aliquam Executionem ejusdem A. B. C. D.
 E. f. &c. veni coram me J. D. vic W. &
 manuceper coram me prefat vic p. L. M.
 viz. quilibet Manucaptor predictus sub pena
 decem Libr. Qd idem L. citra Crastin ani-
 mam pr' futur' vers' partes transmarin' ad
 aliqua die Dño Regi aut aliquib' de po-
 pulo dicti Dñi Reg' pjudicial' sive damno-
 sa ibidem psequend' seu attemptand' se non
 divertet nec quicquid ibidem prosequat
 quod in dicti Dñi Regis seu populi sui pre-
 judic' vel dampnū aut Stat' Rñi sui Angl'
 reversionem cedere valeat nec aliquem vel
 aliquos illuc mitteret ex hac causa, quam-
 quidem summam 10 l. iidem Manucaptor
 concesser' & quilibet eorū per se concessit de
 terris & catallis suis ad opus dicti Dñi
 Regis levare si idem L. aliquid contra for-
 mam manucaptoñ predict' fecerit seu fieri
 fec' vel attemptaverit quoquo modo Et hic
 est tenor securitatis unde interius fit mentio
 quem dicto Domino Regi in Cancellariam
 suam ad diem & locum, &c. mitto.

Kitch. 274. b. Dalt. 298. Wilk. Eng. 339.

Proclam' ex Cancell'

ff. Virtute istius brevis mihi direct' publicam Proclamationem feci infra ballivam meam quod infranominat' H. B. sub pena Regiantie sue coram Dño Rege in Cancellaria sua infrascript' ad diem infracontent' compareat put interius mihi precipit' nec non dño Domi Rege certifico quod infranominat' H. B. non est invent' in balliva mea.

Kitch. 275. a. Dalton 298. Wilk. Eng. 340.

Aliter.

ff. Dño Reg in Canc sua infrascript' certifico quod virtute istius brevis mihi direct' in omnibus & singulis locis infra ballivam meam tam infra Librat' qm̄ extra ubi magis expedire vider' faciend' & ex parte Domi Regis publice Proclamar' feci modo & forma infrascript' put interius mihi precipit'.

Offic' Brev. 221.

Proclamations for Persons to surrender themselves to the Sheriffs, that the Sheriffs might have them before the Justices. *Kitch. 365. Aliter per Regem ubicunq; Ec. ibid. Vide Wilk. Eng. 316. Lat. 148.*

◁ Premunire.

ff. Virtute istius brevis (tali die & anno) per J. S. C. W. A. C. & C. F. probos & legales homines de balliva mea pmunire feci W. R. Cleric' infranominat' quod sit coram Dño Rege ad diem infracontent' ubicunq; Ec. ad faciend' & recipiend' put istud brebe in se exigit & requirit Et J. B. & ce.

In Canc. & ceteri Def. infranominat nihil habent in balliba mea p quod eis Premunire facere possum nec sunt indene in eadem.

Kitch. 275. a. Fitz. Ret. 61. & 65. Dalt. 267.

Wilk. Eng. 340. Lat. 149.

Supplicavit.

¶ Ego J. D. miles Dic Com infraspes
Dño Regi in Canc sua certifico Quod ante
adventum istius brevis A. B. infranomi-
nat' capt' fuit in balliba mea & in prisa
Dñi Regis ibidem sub costod mea detent'
virtute cuiusdam alterius brevis huic brevi
consul' Pro quo * quidem p'fat' A. B. ante
advent' istius brevis tradit' fuit in ball'
A. B. C. D. E. F. & H. P. qui manuce-
per & quilibet eor' manucepit per se pro
p'fat' A. B. subpena 10 l. quod ipse damp-
num vel malum aliquod H. P. in dicto brevi
de supplicabit (spec' infra tlem diem) pr'
futur' non faciet nec fieri procurabit quo-
vismodo quas quidem 10 l. p'fat' Manu-
captor concesser' & quilibet eor' pro se concess-
sit de terris & catallis suis & cujuslibet eor'
ad opus dicti Dñi Regis levare si dampnum
vel malum aliquod eidem H. P. per p'fat'
A. B. aut per procuracionem suam interim
eveniat ullo modo, &c. Et hec est secur'
pacis quam p'fat' A. B. coram me inve-
nit, &c.

Kitch. 274. a. Wilk. Eng. 338.

Aliter.

¶ Sub qua quidem balliba p'fat' C.
permisus fuit ire ad largum extra prisa
p'dict'

* Vide
Dalton
299. Who
says pro
qua qui-
dem que-
rel. præ-
fat' A. B.
&c. ut
antea.

predict' & postea ad custodiam meam non revenit In Canc'.
qua propter Corpus predict' C. coram Dom
Rege ad diem & locum infra content' habere
non possum.

Ibid. Kitch. & Wilk. Eng. 339.

Aliter.

N. Ego, &c. Dño Regi in Cancellar' sua
certifico, quod R. J. infranominat' nullam
mihi invenit securitatem Pacis de qua in-
terius sit mentio sed in prison Dñi Regis
sub custodiam mea ad presens residet.

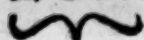
Ibid. & vide Dalt. 299. Kitch. 274. a. Wilk.
Eng. 339.

Aliter.

N. Pro quibus quidem querelis de minis
prefat' J. B. ante adventum istius brevis
tradit' fuit in balliva quibusdam A. B.
C. D. E. F. & G. H. qui manuceper & qui-
libet eorū manucepit sub pena 20l. pro predict'
J. B. quod ipse dampnum vel malum ali-
quod pfat' H. P. & C. D. aut eorū alteri citra
Criminā pr' futurū non fac, nec fieri pecu-
rabit quas quidem 20l. pfat' Manucepit
concesser' & quilibet eorū concessit de terris
& catallis suis & cujuscumque eorū ad opus
Dñi Regis Levare si dampnum vel malum
aliquod eidem H. P. & C. D. aut eorū al-
teri p pfat' J. B. aut percuratore sua inte-
rim eveniat ullo modo sub qua quidem
balliva, &c. ad largum, &c.

Idem Kitch. 274. b. Wilk. Eng. 339.

Signifi-



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Significavit.

Virtute, &c. cepi corpus infranōiae **A. B.** cuius quiddam corpus remanet in p̄isōna Dñi Regis de **M.** sub salva custodiā mea donec scē Eccle tam de Contemptu qm̄ de injur ei illat' ab eo fuer' satisfact' p̄ut istud bzebe in se erigit & requirit.

Vide Offic' Brev' 224. Wilk. Lat. 155.

Aliter cum Proclam'.

Infranominat' A. B. non est invent' in balliva mea sed virtute istius bzebis mihi direct' in pleno Com̄ meo tent' apud **P.** in Com̄ infrascript' 15 die Maii anno infrascript' publice Proclamat' feci quod infranominat' **A. B.** infra sex dies p̄r post Proclamat' ill' corpus suum reddat in forma infrascript' p̄out bzebe istud in se erigit & requirit.

J. B. Ar' Vic'.

Vide Offic. Brev. Wilk. Lat. 155. 225.

Securitas Pacis per Justic' Pacis.

ff. Ego J. D. unus Justic' Dñi Regis in Com̄ **D.** de pace conserbanda **Magn'** mitto coram Dño Rege in Cancellariam suam tenorem Securitat' Pacis de qua in dēo bzebi fit mencō sub sigillo meo p̄ut istud bzebe in se erigit et requirit que quidem Securitas huic bzebi est consut'. Kitch. 276. b. Dalt. 299. Securitas Pacis prout est capt'. Wilk. Eng. 344.

Respons'

Respons' per Major' Civit'.

Respons' T. F. Major' Civit' D. ac Un' Justic'
Dom' Regis ad Pacem in eadem Civitat' con-
servand' Assign'.

ff. Virtute, &c. omnes & singulas Recognd
quas A. B. & ceteri infranominat' coram
Justie infrascript' nuper fecer' cum omni-
bus eas tangend' coram Dño Rege ad diem
& locum infracentent' mitto sub sigillo meo
present' annex' put interius, &c.

T. F. Major' Civit'

Kitch. 276. b. Wilk. Eng. 345.

An Attachment Pro pace in Banco Regis.

Georgius Dei gra' Mag. Brit. Fra. &
Hib. Rex fidei defensor, &c. Vic' Oxon Sa-
lutem Quia Willus B. metuit de vita sua
& mutilatōe Membroz' suoz' per Henricū B.
multipliciter inquietat' & aggravat' prout
idem Willus B. corā nobis corporaliter pre-
stitit Sacra Tibi precipimus quod non
mittas propter aliquā libertat' in Ballia
tua quin Attachias pstat Henricū B. ita
quod eū habeas corā nobis a Die Ste Trin
a tres Septian' ubicunq; tunc fuerimus
Anglia ad inveniend' tunc corā nobis
faciend' securitat' Pacis nre per ipsum ge-
nd' erga nos & cunctū populum nostrū
precipue erga pstat' Willū B. sub certa
pena ei tunc presen' tunc imponend'. Et
si pstat' Henric' B. virtute hujus Bre-
vis cepissi ac attachiasti tunc eū per suffi-
ciend' Manucaptoz' qui eum manucapere
volunt

In Canc. volunt sub certa pena eis & eoz' cuilibet
 per te rationabiliter imponend' tam pro
 Die sua conservand' quā pro pace nra per
 ipso medio tempore gerend' in Ballium
 dimittas. Et pro officio tuo in hac parte
 faciend' duos solidos & quatuor Denar' de
 prefat' Henrico B. solummodo capias, Et hoc
 nullatenus omittas sub periculo incum-
 bente. Teste Robto Raymond Milr, apud
 Westm. 23^o Die Maii Anno Rnd hri 12.
 Bellamy.

In Dorso.

Istud Breve concess' fuit in aperta Cur
 ex mōtione & causa superinde recordat' ibm
 iuxta formam Statut' in hujusmōi Casu
 edit' & provis'.

Retorn' Brevis De (bona) Gestu & Fama.

Virtute istius Brevis Dño Regi ad Dis-
 em infracontent' certificamus, Quod non
 sunt aliqua Indictamenta nec est aliquod
 Indictament' versus infranominat' G. H.
 penes nos resident. Et ulterius Dño Regi
 certificamus quod iuxta formā & Effectū
 hujus Brevis De (bona) Gestu & Fama
 predicti G. H. diligenter inquisivimus, &
 nihil mali de eodem G. H. invenimus.

E. W. }
 W. B. } Justic

It is made a Question, if a *Supplicavit de Pace*
 issue out of the *Queen's Bench*, and in the mean
 time upon Surety found in the *Chancery*, *Super-*
sedeas comes to the Sheriff to surcease, whether

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it shall be allow'd; for the *Queen's Bench* is said in *Canc.* to be the higher Court. *Crompt. Jur' des Courts*, 74. & 28. *Dalt.* 299.

If it be directed to the Sheriff, and all the Justices of the Peace of the County, and delivered to the Sheriff, it is said he is to grant his Warrant to bring the Party before him alone, to find Sureties; and he is also in every Behalf to do therein as the Writ directeth.

The Sheriff may command his Bailiff, or the Constable, to carry the Party to Prison; yet he cannot give them Power to take the Security for the Peace, for that being a judicial Power cannot be assigned over. *Br. Deputy* 20. *Dalton* 300.

A Certificate by Sheriff and Coroners, that J. T. hath given Security for his Good Behaviour, before the Allowance of his Pardon, grounded on *Stat. 10. E. 3.*

Pos R. M. Mil & R. J. Mil Vic Civit'
Lond' & E. M. Coronator ejusdem Civit'
serenissimo Dño Regi in Canc' sua humil-
lim' certificamus Qd' virtute brevis Dñi
Regis huic Schedule annex' nob' direct' cepi-
mus bonam & sufficien' Securitatem pro
J. T. in dco brevi nominat', viz. sex ma-
nucaptores sufficien' qui suscepē super se
Qd' idem J. seipm' bene gereret tam erga
dictum Domin' Regem nunc heredes & suc-
cessores suos quā erga cunctum populum
dicti Dom' Regis secundum formam Statut'
in brevi pdict' mentionat' Cujus Securitat'
forma in altera Scheda huic brevi annex'
plenius liquet & apparet In cujus rei
Testimonium tam p'fat' Vic quam Coronator
pd' his p'presentibus sigilla sua apponi
fecer' 22 die Aprilis anno rñi dicti Dom'
D 2 Regis

In Canc'. Regis nunc 10. In another Schedule annext is mentioned the Security it self. Vide Dalt. 555. & Raft. Ent. 453.

Retorn' brevis de Securitate Coron'. Vide Offic' Brev' 214. & postea int' Brebia de Banco Regine, &c.

Retorn' pro Cancell' seu Custod' Rotulor'.

ff. Virtute, &c. Scrutat' fuit intra Record' Cancell' Dom' Regis infrascript' Et in eisde' seu eorum aliquo nullum Record' p' tit' Dñi Regis adhuc invenio per quod constare potest de aliquibus terr' seu Tenementis cum ptin' in S. in C. que nuper fuer' infranominat' J. S. que ad manus dicti Dom' Regis unquam debener' put in isto brevi supponit'.

Kitch. 276. Wilk. Eng. 344.

Replevin & Averia Elongata.

Virtute, &c. Dom' Regi in Cancellar' sua certifico qd' Averia & catalla per infranominat' A. B. prius capt' Elongat' sunt ex Com' infrascript' ad loca mihi ignot' per infrascript' C. R. que averia & catall' infrascript' R. Rec' non possum put interius mihi precipit'. Vide Kitch. 262. b. Wilk. Eng. 310.

Scire facias against a Terre-Tenant out of Chancery.

ff. Ego R. C. M' Vic' Com' pdict' Dom' Regi in Cancellar' sua certifico qd' virtute brevis mihi direct' per P. P. & J. M. p'bos & legales homines de balliva mea Scire fec' R. G. tenend' duorum Horeoz' quinq' separal peciat' sive parcel' terrar' arabilis
Prati

Mati & Pasture continend & existend in se. In Canc.
 parat Parochiis de B. & L. in Com^o p^odict'.
 acetiam H. S. Tenend unius Mesuagij
 unius Horrei unius stabuli & unius Domus
 cum pertin^o & trigint' Acrat^o terre ara-
 bilis situat' jaced^o & existend in Parochia de
 B. p^odict' Que omnia p^omissa terre & Te-
 nement' superius specificat' cum pertin^o
 fuerunt ter^o & Tenement' S. B. in h^orebi
 p^odict' nominat' die Recognitionis in h^orebi
 p^odict' specificat' scilicet octavo die Octobris
 anno Regni d^oni Regis Georgij nunc
 septimo in h^orebi p^odict' mentonat' q^od sint
 coram Dom^o Rege in Cancellar^o p^odict' ad
 diem in eodem h^orebi Content' ubicunq^o &c.
 ad ostend^o in forma infra script' & quid, &c.
 p^oout istud h^orebe in se exigit & requirit.

Acetiam certifico q^od non sunt aliqui alii
 tenent' aliquoz' sive plur ter^o & Tenement'
 que fuerunt ejusdem S. B. tempore Recog-
 nitionis debiti p^odict' seu unquam postea in
 balliva mea cui vel quibus Scire facere
 potui p^oout interius mihi precipitur. Of-
 fic' Brev. 230. T. H. Mil' Vic'.

Scire facias sur Recogn' Execution' de default'.
 Et Elegit de parte debiti agard' & Execut'.
 Rast. Ent. 450.

Aliter.

Virtute, &c. Scire fac^o W. C. q^od sit coram
 Dom^o Rege in Cancellaria sua ad diem in-
 fracontent' ubicunq^o tunc fuerit in Angl^o ad
 ostendend^o & ponend^o p^oout istud h^orebe in se
 exigit & requirit per J. M. & M. B. p^oobos
 & legales homines de balliva mea juxta
 formam hujus h^orebis. Kitch. 269. Wilk.
 Eng. 362.

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Summons.

Retorn' brevis Summonitionis Delinquen' essend'
in Parlamento.

¶ Et Dic' modo mand' qd' assumptis secum
C. W. W. filio R. de G. & W. & R. de R.
quatuor milit', &c. in ppz sua psona accet-
sit apud S. ad Maner pdict' R. & in presen-
tia eorundm milit' Summon' pdict' R. ei fir-
mit' injunxit qd' esset coram Dom Rege in
isto Parlamento juxta formam & tenorem
Mandati predict', &c. Vide Appendic' ad
brev' Orig' fol. 1.

Retorn' de Summon' Parliamenti.

Executio istius brevis patet in quibusdam
Indentur' huic brevi annex'. Vide antea.

De Summon' Milit'.

Virtute, &c. Sum feci A. B. Mil' unum
Mil' de Com' Mea gladio cinctum per B. C.
& C. B. qd' sit coram Justic' infrascript' ad
diem & locu infranominat' prout istud breve
in se exigit & requirit Manu capit' infrano-
minat' A. B. B. C. & C. B. J. D. A. R.
Erit cor' cujuslibet eorum 20 s. Vide Kitch.
268. b. Dalt. 266, &c. Offic. Brev. 199. & Wilk.
Eng. 325. Lat. 126.

Retorn' brevis de Summons coram Justic' Fo-
reste vide postea in le Excheq. Et vide
Kitch. 275. a. & Wilk. Eng. 341.

Retorna

Retorna Brevium &c. in Scaccario

Attachment.

Infranominat' A. B. Nihil habet in balliva mea, per quod potest Attachari vel ubi cum sum possum.

Infranominat' A. B. Attachiat' est per Pleg' J. D. R. R.

Infranominat' A. & ceteri Defend non sunt nec eor' aliquis est invent' in balliva mea.

G. F. Ar' Vic'.

Attachment.
Trin. 5 W. & M. London.

Virtute istius h'is nob' direct' cepim' corp' infranominat' Jacobi Hadley cujus quidem corpus eor' Baron de Sc'cio D'ni Regis infrascript' ad diem & locum infracent' parat' hemus.

Respon'

Williel' Hedges, Mil'.

&

Tho' Abney, Mil'.

} Vic'.

Attachment.
Trin. 5 W. & M. London.

Infranomat' Jonath Raymond non est invent' in balliva nra.

Respon'.

Thomæ Cooke, Mil'.

&

Thomæ Lane, Mil'.

} Vic'.

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Attachment.
cum Proclam'.
Mich. 5 W. & M.
Midd'.

Virtute istius huius mihi direct' in
omnib' & singulis locis in balli-
va mea ubi magis expediri vidi
publice Proclari feci prout inte-
rius mihi precipit' Et ulterius cer-
tifico qd infranominat' Edus non
est invent' in dca balliva mea.

Respon'.

Thomæ Lane, Mil'.

&

Thomæ Cooke, Mil'.

} Vic'.

Confimil' At-
tachment cum
Proclamac'.
Dors'.
Mich. 5 W. & M.

Virtute huius istius mihi direct'
publice Proclama' feci qd infrano-
minat' Samuel Young sub pena li-
geanc sue personalit' compareat
coram Baro infra scribe ad diem
& locum infra contene' prout inte-
rius mihi precipit' Et ulterius
certifico qd pd Samuel non est in-
vent' in balliva mea.

Georgius Ford. Ar' Vic'.

Breve de Ap-
preciament'.

Executio' istius brevis patet in qua-
dam Indentur' huic annex'.

This Indenture made the nine-
teenth day of *June*, in the Year of
our Lord 1721, and in the 7th Year
of the Reign of our Sovereign Lord
George by the Grace of God, King of
Great Britain, France and Ireland, De-
fender of the Faith, &c. **Witnesseth**,
That we *Thomas Raylton*, and *William*
Walterer, his Majesty's Appraisors, in
Pursuance of a Writ out of his Maje-
sty's *Exchequer*, unto us directed, and
here

hereunto annexed, have number'd, valued, tasted, viewed, weighed, measured, and appraised, upon the Oaths of *Nathaniel Wicks*, and *Richard Boys*, the several Goods and Things hereafter mentioned as followeth, viz.
Imprimis, &c.

Capias & Cepi in manus.

ff. Infranominat' Dña J. S. Nihil habet in maner' terr' & Tenement' infrascript' nisi cum J. S. Ad quem ipsa accepit in virum. Kitch. 276. b. Dalt. 302. Wilk. Eng. 345.

Cepi corpus.

ff. Virtute istius brevis mihi direct' Cepi corpus infranominat' J. S. cujus corpus coram Baro' infrascript' parat' habeo prout interius mihi precipit'. Ibid. Kitch. & Dalton 300, & Wilk. Eng. 345.

Cepi tam corpus quam terras.

ff. Virtute istius brevis mihi direct', Baro' infrascript' certifico qd Cepi corpus infranominat' J. S. cujus corpus coram dict' Baro' parat' habeo ad diem infracontent' neenon 20 die Jan' anno 3 infrascript' cepi in manus dicti Dom' Regis nomine distributionis cert' terr' & Tenementa infranominat' J. S. jacent' & existent' in B. annui valor' cene solid' put breve istud in se erigit & requirit. Ibid. Kitch. & Dalt. Offic. Vip. 300. & Wilk. Eng. 345. Lat. 152.

Cepi

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Cepi terr', &c. nomine districtionis.

ff. Infranominat' A. C. non est inventus in balliva mea nec habeo ull' bona seu catalla in balliva mea sed virtute istius brevis mihi direct' Baron' infrascript' certifico qd' 15 die Junii anno 3 Dom' Regis infrascript' cepi in man' dict' Dom' Regis nomine distriction' 7 mess' sive ten' cum pertid' in M. que sunt clari annui valor' 50 s. & unum capital' Mesuag' sive firm' cum pertid' in W. annui valor' quinq' marcarum. Kitch. 277. a. Dalton 301. Wilk. Eng. 346. Lat. 143.

Aliter sur Cape in manus de Mess. & Tenem'.

ff. Infranominat' A. B. non est inventus in balliva mea. Et ulterius Baron' infrascript' certifico qd' virtute istius brevis mihi direct' (tali die & anno cepi in manus dicti Dom' Regis unum mess' sive ten' cum pertid' in B. in Com' W. infrascript' annuat' valor' 10 l. ut de terris & ten'tis infranominat' A. B. necnon 6 vaccas unum taurum & unum spadonem pretii in toto 8 l. de bonis & catallis ejusdem A. B. nomine district' prout mihi precipit' que quidem omnia bona & catalla penes me remanent invendit' pro defect' Empt' Et idem A. B. nulla alia sive plura bona seu catalla terre seu ten'ta het infra ballivam meam que in man' dict' Dñi Reg' ad presens aliquo modo capere vel seisire possum. Ibidem Kitch. & Dalton. 301. Wilk. Eng. 346.

Aliter

Aliter against a Collector, &c.

N. Virtute istius brevis mihi direct' decimo die Julii anno Regni Domini Regis nunc, &c. decimo apud D. in Com Cant' infrascript' cepti in manus dicti Domini Regis nomine districtonis unum Mesuagi' in sive Tenementum vocat' B. cum ducent' Acris Prati & Pasture jacent' in D. in Com pdict' annui valoris in omnibus exitibus ultra reppis' viginti Librar' de Terris & Tenementis infranominat' C. B. Ven' Collector', &c. Et pdict' C. B. nulla alia sive plus habet Terras sive Tenementa in Com pdict' que in manus dicti Domini Regis capere possum & non est invent' in balliva mea. Offic. Brev. 223.

Aliter Secundum Offic. Brev. 218.

N. Baronibus infrascript' ad diem & locid' infracontent' certifico qd virtute istius brevis mihi direct' sexto die Januarii anno Decimo Regni Regis infrascript' cepi in manibus dicti Domini Regis nomine districtonis unum capital' Mesuag' vocat' A. cum edific' & structur' ibidem spectan' unum Gardin' unum Pomar' & sex Acras Prati situat' jacent' & existent' in Parochia de A. in Com H. infrascript' in tenura sive occupatione A. B. vidue vel Aign' suoz' clari annui valoris in omnibus exitibus ultra reppis' duodecim librar' de terris & Tenementis infranominat' C. B. tempore mortis sue & predict' C. B. nulla alia sive plus

In Scacc. pluꝛ habet terras sive Tenementa in Com
 pꝛdict' que in manus dñi Domini Re-
 gis capere possum pꝛout interius mihi pꝛe-
 cipit', &c. Offic' Brev' 218.

Aliter.

ff. Baron infrascript' certifico qđ virtute
 istius bꝛebis mihi direct' 8 die J. anno, &c.
 infrascript' cepi in man' Domini Regis Ma-
 nerium de S. cum pertind infrascript' tꝛout
 interius mihi pꝛecipit'. Kitch. 227, & Wilk.
 Eng. 346, 347. Lat. 152.

Et si sit cum Inquisitione pro annuo valore
 tunc ut sequitur.

Resid' Execucionis istius bꝛebis patet in
 quadam Scheda huic bꝛebi consue (vel sic)
 patet in quadam Inquisitione huic bꝛebi con-
 sut'. Ibid. & Dalt. 301.

ff. Inquisic' indentat' capl' apud S. in
 Com pꝛdict' 8 die J. anno, &c. coram me J.
 D. Mil' vic Com pꝛdict' virtute bꝛebis dñi
 Domini Regis claus' mihi direct' quod est
 huic Inquisition' annex' per sacram J. D.
 R. R. &c. pꝛoborum & legal' hominū Com
 pꝛdict' qui dicunt super sacram suā qđ Ma-
 nerium de S. cō ptind est annui valor' 5l.
 ultra omnia oñia & reppis'. In cujus rei
 testimonium, &c. Ibid. & Dalton, 300 & 302,
 & Wilk' Eng. 347. vide postea Inquisic'.

Aliter

Aliter in alio Com'.

ff. Manet de S. infrascript' jacet in Comd
G. & non in Comd W. ideo tenentes inde di-
stringere non possum put interius mihi
p'cepit'. Idem ibid. Vide postea Distringas.

Aliter.

Baron infrascript' certifico qd omnia ten'ia
& ten'ia que fuer' infranominat' R. f. aut al
antecessorum suorum jacent in Comd S. & non
in balliva mea. Wilk. Lat. 145.

Aliter sur Cape in manus.

ff. Virtute, &c. 10 die S. anno rui Dom
Regis infrascript' tertio Ego J. S. Mier
vic W. infrascript' cepi & resumpsi in man
Domini Regis seisiui omnia ten'ia Hoppas
gardina & omnia al' ptinend' virtute h'rebis
p'dict' resumend' que patent in Inquisic
huic h'rebi consut'. Idem Kitch. 278. a. & Dal-
ton 301. Eng. 350.

Qd' Defend' est Vic' Com' B.

ff. Infranominat' C. S. est vic Comd p'd
& est comorans in dicto Comd B. & non est
inventus in balliva mea. Dalton 302. Vide
postea Distringas. Wilk. Lat. 145.

Cepi in manus quandam Dimissionem super
Inquisitione.

Inquisic, &c. qui die super sacrand' suum
qd J. W. in h'rebi p'dict' nominat' die cap-
ton' hujus Inquisicon' fuit possessionat' de
quadam

In Scacc. quada Dimissione p termino 20 annorū unū
 us mess'. &c. in A. in Com p dicit cum p rind
 annui valor' in omnibus Crit' ultra repis'
 4 l. qm quidem dimissionem Ego pstat' Die
 die captoris hujus Inquisitionē cepi in
 manus dicti Domini Regis. In cujus Rei
 testimonium, &c. Et vide postea Tit. Extent,
 & Inquisition'; vide Dalton 307. Wilk. Lat.
 156.

Cepi Corp'.

Com' Rebell'.
 Trin. 5 W. & M.

Virtute Commissionis infrascript'
 mihi & al' infranominat' dicet'
 Cepi corpus infranominat' Abel'
 Burroughs & corpus ejus coram
 Baron' infrascript' ad diem infra-
 mentionat' parat' hec put interius
 mihi precipit'.

Respons'.

Ed. Crouch un' Commission' infr'.

Consil' Com'
 Rebell' eisdem
 Term' & Anno.

Baron' infrascript' certifico qd
 infranominat' Marcus Kempe &
 Elizabeth Maudp, Marian Mun-
 ford & David Shank non sunt in-
 vent' nec eorū alter est invent' infra
 Regnū Anglie aut Domini Wallie
 vel Dile Berwic super Twed.

Respons'.

Will' Dowse.

Com'

Com' Rebell'.
Mich' s W. & M.

Memorandum That I the within named *William Plymer*, one of the Commissioners therein named, have made diligent Search and Inquiry after the within named *Bartholomew Alford*, but cannot find him, whereby to apprehend and take him into Custody. Witness my Hand this 12th Day of *December*, 1693.

William Plymer.

Retorn of an Inquisition upon a Writ of *Diem Clausit Extremum* of Household Goods, and a Bond for Money.

ff. Inquisitio Indentat' capt' apud H. in Comd (tali die & anno) coram me W. W. Bar vic Comd pdict' virtute brevis Dom Regis de diem Clausit extremum mihi direct' & huic Inquisitioni annex' p Sacrament' J. B. &c. probozum & legalium hominum de balliva mea qui onerat' & Jurat' existend' dicunt super Sacramentum suum quod J. B. in pdict' brevi nominatus obiit apud H. in Comd pdict' circa tres menses jam ult' elaps' ante diem captionis hujus Inquisitionis & tempore mortis sue seistus fuit in dominico suo ut de feodo de & in uno Messuagio cum area & pomar eidem spectand' & petined' cum pertinentiis situat' jaced' & existend' in Parochia de H. in Comd pdict' modo vel nuper in tenura sive occupatione cujusdam C. C. vel assignatorum suorum clari annui valoris in omnibus exitibus ultra reprisas viginti solid' ac etiam Jur' pzed' super sacrament' suum pzed' similiter dicunt quod pzed' J. B. possessionarius

In Scacc.

A Lease

found.

Valor
inde.Household-
Stuff
found.

tus fuit ut de bonis & catallis suis pro-
prietatis, de & in una dimissione pro Termina-
tredecim annorum tunc ventur & inextin-
gat' sibi fiat' Johanni in vita sua per-
quendam P. Gen per Indenturam facta
& sigillat' de & in uno Mesuagio cum
areis Gardinis & pomariis eidem spec-
tand & pertinenti situat' & existend in Pa-
rochia de H. p'dicta nuper in occupatione
pfat' J. B. vel assignatorum suorum &
modo in occupatione E. B. vidue nuper
uxoris ejus vel assignatorum suorum ac
una de parcella sive clausa terre cum per-
tinentiis jacent & existend in p'dicta Para-
chia de H. p'dicta continen' per estimationem
tres acres sive plus sive minus dicta
Mesuagio ult' recitat' spectand sive perti-
nent' modo vel nuper in occupatione pfat'
E. B. vidue vel assignatorum suorum que
quidem dimissio dicta Mesuag' & p'miss'
ult' recitat' ac termin' Stat' & interesse
de quibus idem J. B. p'dicta tempore mor-
tis sue sic ut p'fertur possessionatus fuit
it valent ad vendend decem libras lega-
lis monete Anglie ultra omnes redditus
& repp'as Et ulterius Jur p'ed' similiter
dicunt super Sacramentum suum p'dicta
quod p'dicta J. B. tempore mortis sue posses-
sonat' fuit ut de bonis catallis & utensiliis
(Anglice Household-Stuff) cum perti-
nentiis particulariter mentionat' & express'
in Inventorio sive Scheda indentat' &
dicto brevi huic Inquisitioni annex' ac per
Jur p'dicta app'eciat' ad separales sum-
mas & valor' in eodem Inventorio sive
Schedula similiter specificat' & que in toto
attingunt ad summa viginti & quatuor
librarum que quidem bona catalla & u-
tensilia

tenſilia ſunt jacent & exiſtend in & circa In Scac.
 p̄d Meſuagium & Areas in H. p̄d in oc-
 cupatione p̄fat E. B. Et inſuper Jur'
 p̄d ſuper ſacramentum ſuum p̄d ſimili-
 ter dicunt quod quidem T. de H. p̄dict'
 Brocer & S. S. de M. in dicto Comitai'
 Middleſex Clericus per ſcriptum ſuum
 Obligatorium geren dat ante diem mortis
 p̄dict J. B. debener Obligar' p̄fato J.
 B. in vita ſua in ſumma viginti & qua-
 tuor librarum legalis monete Anglie ſol-
 vend p̄fat J. B. ad certum diem jam p̄es-
 teritum ac juratores p̄dict ſuper ſacra-
 mentum ſuum p̄dictum ſimiliter dicunt
 quod p̄dict bona catalla utenſilia ac In-
 dentura & ſcriptum Obligatorium p̄men-
 tionat' poſt mortem p̄dict J. B. ad ma-
 nus & poſſeſſionem p̄fat E. B. uxoris ejus
 Executricis debenerunt & in manibus
 ſuis jam exiſtunt, que omnia & ſingula
 Meſuag dimiſſion bona catalla utenſilia
 & cetera p̄miſſa p̄mentionat' cum per-
 tinentiis unacum p̄dict Indentur ſcripe
 Obligator' ac p̄dict debet viginti & qua-
 tuor librarum in eodem ſcripto obligat
 mentionat' ego p̄fat Die dicto die Captio-
 nis hujus Inquiſitionis in manus dicti
 Dom Regis capi & ſeiſiri feci juxta exi-
 gen brevis p̄dict ac p̄out per idem bre-
 ve mihi p̄cepit' Ademq Juratores p̄d
 ſimiliter dicunt ſuper ſacramentum ſuū
 p̄dict quod p̄dict J. B. (tali die & anno)
 in brevi p̄dict mentionat' quo die debitoz
 dicto Dom Regi debener ſeu unquam po-
 ſtea nulla alia ſive plue habuit tere te-
 nementa ſive Hereditamenta in dicta bal-
 liba mea neque die quo obiit, habuit aut
 poſſeſſionat' fuit de aliquibus aliis ſive
 E plus'.

Ven' ad
 manus
 Execu-
 tric'.

Seiſure.

In Scac' plur' bonis catallis debit' credit', seu specialitat' in Balliva mea ad notic' Jur'
 Nulla a- p'd seu eorum alicujus, que extend' aut
 lia terr', appreciari possunt In cujus rei, &c. Vid.
 &c. Dalt. 549.

C. D. Bar' Vic'.

Distringas. Vide antea Cape in manus.

Nihil Retorn'.

Infranominat' R. A. nihil het in terris Tenement' & Hereditament' infrascript' p quod ipsum Distringere possum. Kitch. 277. b. Wilk. Engl. 348.

Aliter versus Tenen'.

Nullum tale Manerium nec ult' terr' seu Tenement' cognit' per nben de E. jacent in Com' W. unde Tenen' inde Distringere possum p'out interius mihi p'cipit', ibid.

Aliter.

Infranominat' J. R. & R. R. nihil habent nec eor' alter aliquid habet in balliva mea. Et ulterius Baro infrascript' certifico quod nulli sunt Executores vel Administratores bonorum & catallorum que fuer' infranominat' M. R. Unde ipsos aut eor' aliquem dstringer' possum.

Manu-

The New Retorna Brevium.

51

In Scac^o

Manuapt^r J. S. Gen^r Tenen^r & Terr^r & Tent^r
orum infrasp^c que fuer^r infranominat^r. M.
K. J. D. R. R. Exit^r 13 s. 4 d. Ibid.

Nulla bona, &c. Exec^r Hered^r Terretenen^r, &c.

Baron^{us} infrascript^r certifico quod A. B.
C. D. & ceteri persone in quibusdam Sche-
dulis huic brevi annex^r notat^r nulla sunt
bona seu catalla infra balliam meam un-
de separat^r deba super eos onat^r seu ali-
quam inde Parcelle fieri facere possum nec
sunt indent^r nec eor^{um} aliquis est indene in
balliba mea nec sunt aliqui Exec^r testi-
sive ult^r Voluntas p^red separat^r p^rson^{um} neque
Administrato^r bono^r & catallo^r que sua
fuer^r nec aliqui Hered^r seu Tenen^r terr^r p^r-
dict^r separat^r Person^{um} sive eor^{um} aliquo^r infra
ballibam meam que distringere possum p^r-
ut illud brebe in se exigit & requirit.

Residuum Executionis istius brevis patet in
quibusdam Inquisition^r huic brevi annex^r.
A. B. Ar^r Vic^r.

Inquie indentat^r, (&c.) qui dicunt super
Sacram^{entum} suum quod A. B. C. D. &c. in
Schedul^r huic brevi annex^r nominat^r sepa-
rat^r diebus & annis quibus p^rimo debi-
to^r debent^r Domine Regine seu unqua po-
stea hucusq^{ue} nulla fuer^r bona sive catalla
terr^r sive Tenement^r infra balliam meam
que extendi aut appreciari possunt ad eo-
rum notie Et quod mortui sunt quibus
die & anno sive diebus & annis ac ubi
penitus

In Scac'. penitus ignozant. In cujus rei testimoniu,
Et.

A. B. Ar' Vic'.

Aliqui nulla habent bona, & Fieri Fac' de bonis aliorum.

Exonerati-
ones.

Baron infrascript' certifico quod A. B. C. D. E. F. in Schedul huic brevi annex' nominat' nulla hent bona seu catalla terre seu tenement' infra ballidam meam unde separal' debet' super ipsos & eorum cujuslibet impoit' fieri facere possum Sed virtute istius brevis mihi direct' fieri feci de bonis & catallis G. H. I. K. & L. M. in dict' Schedul' nominat' separal' sum sup ipsos & eor' quemlibet onat' Et denar' ill' coram Baron infrascript' ad diem & locum infracontent' parat' habeo put interius mihi precipit' Et ulterius certifico quod N. O. P. Q. & R. S. in dca Schedul' nominat' dicunt se habere exonerationes p separal' summis super ipsos & eorum quemlibet onat' Et p eo accepti ab eis sufficien' Securit' & pfixi eis diem essendi hic and Scaccium Domine Regine infrascript' ad diem & locum infracontent' put interius mihi precipit'.

A. B. Ar' Vic'.

Nihil versus Exec' sive Adm'.

Baronibus infrascript' certifico quod non sunt aliqui Executor' Testd sive ult' voluntat' infranominat' P. Q. defunct' nec sunt aliqui Administrat' sive Occupat' bonorum seu catalloz que sua fuer' infra balliam meam quos vel quem distringere possum put istud breve in se exigit & requirit.

The New Retorna Brevium.

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requirit. Vide Offic' Brev' 223. vide postea In Scac'.
Scire fac'.

Quod Vic' non possit distringere seipm'.

¶. Baro Infra-script' certifica Quod
ego H. W. Mil' modo sum Vic Com C.
ideo meipsum distringere non possum put
interius mihi p'cipit'. Br. Process 9. Vide
Dalt' Offic' Vic' last pub' 194. vide antea Cap.
in man. Wilk. Lat. 145.

Distring'.
Trin' 6 W. & M.
Midd'.

Execuc' istius bz'is patet in quor-
dam panello huic bz'ibi annex'.

Respons'.

Thomæ Abney, Mil'. }
& } Vic'.
Williel' Hedges, Mil'.

Midd' ¶. Jur' inter Dom' Regē
& Dñam Reginā & Johē Powell
de certis Articulis unde, &c.

Distring' Gu-
bernat' & Socie-
tat' Conducto-
rum pro levac'o-
ne aque Thames'
in Paroch' Sci'
Pauli Shadwel ad
solvend' Sampson
Salt & al' pro
Custag' 3 l. 6s.
8 d. eisdem An-
no & Termino.
Midd'.

Manu-scripto'.

Infrascript' Gubernatoz' & Soci-
etat', &c.

Johannes Doe,

&

Richard' Roe.

Exit'. — — —

Respons'.

Thomæ Abney, Mil'. }
& } Vic'.
Williel' Hedges, Mil'.

Distring' Re-
gal' Affrican' So-
cietat' Angl' ad
respondendum
Bill' Anglican'
Ric' Dickenson,
Gen'.
Pasc. 6 W. & M.
London.

Manucaptoz'.

Infranomina^t Regal' Affrican'
Societat' Angl'.

Johannes Doe,

&

Richard' Roe.

Exit' ————— 5 l.

Respons'.

Williel' Hedges, Mil'. } Vic'

&

Thomæ Abney, Mil'. }

Of a *Distringas* out of the *Exchequer*, to levy
Money for the Repair of *Dover-Castle*.

M. Infranomina Philip Die Strangford.
Vide Offic. Brev. 212.

Johannes Doo.

Ricardus Roo.

Exit' ————— 20 s.

T. B. Ar' Vic'

The like against Collectors and Receivers,
where some of the Defendants have no Lands
in the County, and other some are dead.

Manucapt' Infranomina^t Thome Stple
& Thome Bate.

Johannes Doo.

Ricardus Roo.

Exit' eoru' cujuslibet ——— 10 s.

Sed Infranominae Willielm Johnson
& Georgius Mills nichil habent nec eo-
rum aliquis habet in balliba mea per
quod Distring' possunt. Et infranominae
Roe

The New Retorna Brevium.

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Robertus Whiting & Iohes Moore moꝝ In Canc.
hui sunt. Offic. Brev. 212, 213.

A. L. Ar. Vic.

The like against Executors.

Manucapt' Alexandri Osborne Executoris
Testamenti & ultime Voluntat' infra-
nominat' Alexandri Osborne.

Johannes Doe.

Ricardus Roe.

Exit' —————

A. L. Ar. Vic'.

Another Form.

Manucapt' A. Taploꝝ Executrie Testa-
menti & ultime voluntat' infranominat'
Georgii Robinson.

Johannes Doe.

Ricardus Roe.

Exit' —————

Sed nulli sunt Administrat' & occupat' ho-
noꝝ & catalloꝝ que nuper sua fuerunt.
Vide Offic. Brev. 213.

A. L. Ar' Vic'.

Extent & Inquisition.

Extent & Def. mortui.

N. A. B. & C. D. infranominat' mortui
fuer' diu ante emancoꝝ hujus brevis
nec aliqua huer' bona seu catalla terras
seu ten'ta infra ballivam meam que extendi
E 4 & ap

In Canc'. & appreciare possum put p breve istud inter-
 rius mihi precipit. Kitch. 278. b. Wilk. Eng.
 351.

Aliter propt' temporis brevitatem.

ff. Infranominat A. B. & C. D. mortui
 sunt Et quoad reſſi Execucionis Nihil p
 me actum est propter temporis brevitatem.
 Ibid ut supra, vide postea Tit. Venditioni Ex-
 ponas.

Aliter per Inquisitionem.

Inquisitio, &c. qui dicunt super Sacram
 Cui quod quibus die & anno nuper Comes
 A. obiit & ubi penitus ignorant Quod
 ipse nulla het bona aut catalla in Com
 pdia' que capi & in manus dcd Dñi Re-
 gis extend' possunt Et ulterius die quod
 pdia' Comes B. die quo obiit fuit scit in
 Dinco suo ut de feodo de & in Manerio
 de C. cum pertind clari annui valor' in
 omnibus exit' ultra repzis 25 l. quod qui-
 dem Manerium cum pertind ante advene-
 istius hys Ego pſae Die virtute alteri-
 us hys extra hanc Cur' emanand & ex
 parte Remembz' dcd Dom Regis hujus
 Scit afflat' Seisri feci in manus dcd
 Domini Regis per Extene pdict' In cu-
 jus rei Testimonium, &c. Vide Dalton,
 306. Wilk. Lat. 156.

Un' mortuus alter residens & alii vagrant.

Aliter.

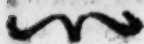
Inquisitio, &c. qui dicunt super sacram
suum quod W. J. in Schedul' hzebi p'd an-
nex' nominat' mortuus est sed quibus
die & anno aut ubi penitus ignorant
Quodq; W. M. etiam in eadem Schedul'
nominat' est residens in Lond & J. S.
est comorans apud B. in Com C. & A.
A. in Will' Com H. extra Com C.
Et Relique p'son in eadem Schedul' no-
minat' ita vagrant & discurrunt in Com
p'dict' quod capi & arrestari non possunt
In cuius rei Testimonium, &c. Idem
Dalt. 307. Wilk. Lat. 155.

Aliter.

Inquisitio, &c. qui dic super sacram' su-
um quod H. S. in Scheda huius hzebi
annex' spec' nulla alia sive plura het Ma-
ner' terr' neque tenta in Com p'd p'ter &
ultra Maner' terr' & tenta in Schedul' hze-
bi p'dict' annex' spec' extendi aut que in ma-
nus Domini Regis seisciri possunt In cu-
jus rei testimonium, &c. Idem Dalt. Vide
antea Cepi in manus, & Wilk. Lat. 156.

Extent.
London'.
Mich. 6 W. & M.

Virtute istius hzebis nob di-
rect' cepimus corpus infranomi-
nat' Willielmi Vide & ipsum in
Prison Dom' Regis & Domi-
ne Regine infrascript' sub cu-
stod nostra Salvo custodiri feci-
mus quousq; nob solbit infrascripte
sum



The New Retornā Brevium;

sum Monagint' librarum quas
quidem denar coram Baronibus
de Scio Dom Regis & Domi-
ne Regine infrascript' ad diem &
loc' infrascripte ad usum Domi-
ni Regis & Domine Regine tunc
& ibidem solvendi parat habemus,

Resp.

Williel' Coles, Mil'.

&

Joh'is Sweetaple, Mil'.

} Vic'.

Extent versus
corpus terr' &
ten' bon' & ca-
tal', &c. Johann'
Tassel & Lee &
Inquisition' super
inde.

Mich. 6 W. & M.
London'.

Infranoninat' Iohes Tassel &
Georgius Lee non sunt invent' nec
eorum alter est invent' in balliba-
n'a Residuū Execucōn istius bre-
vis patet in quadm Inquisitione
huic brevi annex'.

Respon'

Williel' Hedges, Mil'.

&

Tho' Abney, Mil'.

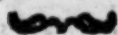
} Vic'.

London ff. Inquisitio Indentat'
capt' apud Guibald Civitat' Lon-
don situat' in Paroch' Scti Lau-
rentii in Veteri Iudaismo in
Warda de Cheape ejusdem Ci-
vitat' duodecimo die Julii anno
regni Domini Willielmi & Dom
Marie Dei gra Anglie Scoc &
Hibern' Regis & Regine Fidei
Defensor', &c. sexto coram Will'o
Hedges Mil' & Thoma Abney
Mil' Vic' Civit' London' pres-
birtute cujusdem brevis dñi Dom
Regis & dñe Domine Regine e-
iusdem Vic' direct' & huic Inqui-
sitioni

In Scac.

sitioni annex' ad inquirend' de &
 sup quibuldam materiis in eo-
 dem brevi content' & specificat' p
 sacram Jacobi Sheldrake, &c. (so
 insert 12 Names) proborum & lega-
 liu hominu de Balliba p'fat' Dic
 qui dicunt super dictum sacram su-
 um quod Iohes Cassel & Geor-
 gius Lee in dicto brevi nominat'
 dco die captionis hujus Inqui-
 sitionis possessionat' existunt in
 balliba p'fat' Dic de tribus Sac-
 cis & de summa trecentarum &
 quinquaginta librarum bone &
 legalis monete Angl' in eisdem
 content' ut de bono & catall' & de-
 nar' suis prop'. Quos quidem
 tres Saccos & summ' trecent' &
 quinquagint' lib' in eisdem
 content' Nos p'fat' Dic dco die
 captionis hujus Inquisitionis vir-
 tute brevis p'dict' in manus dicti
 Dni Regis & dco Domine Regi-
 ne capi & seiscari fecimus Ac Iur'
 p'dict' ulterius super dictum sa-
 cram suu dicunt quod p'ed Iohes
 Cassell & Georgius Lee decimo
 die Instant Julii quo die dictis
 Dno Regi & Domine Regine pri-
 mo Debito' debent seu unquam
 postea hucusque null' huer' nec
 eorum alter habuit aliqua terr'
 sive tenta nec dicto die captionis
 hujus Inquisitionis aliqua al' sive
 plur' hent seu eorum alter habuit
 bonu seu catall' nec hent nec eor'
 alter habuit aliqua debit' credit'
 seu specialitat' in manibus alicu-
 jus

In Scac.



jus persone sive personarum aliquarum in balliva prefat die ad notitiam eorum Jur que modo extendi appreciari seu in manus dictorum Domini Regis & Domine Regine capi seu seisciri possunt In cujus rei Testimonium tam prefat die quam Jur predicta huic Inquisitioni sigill sua apponi fecerunt die & anno supradictis.

Extent versus corpus terr' & ten' & bon' & cat' Will' Harley & Inquisition' super inde virtute cujus quedam bon' & cat' feit' fuer'.

Hill. 6 W. & M.
London'.

Infranominat' Willus Harley non est inventus in balliva nostra residuum executionis istius brevis patet in quadam Inquisitione huic brevi annex'.

Respons'.

Williel' Coles, Mil'.

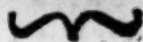
&

Joh'nis Sweetaple, Mil'.

} Vic'.

London' ff. Inquisitio Indentat' capt' apud Guildhal Civitat' Lond' (modo & forma ut antea mutatis mutandis) Qui Jurat' & onerat' exist' super dictum sacram suum dicunt quod Willus Harley in deo brevi nominat' 26 die Decemb' ult' pter necnon dicto die capto nis hujus Inquisitionis possessor nat' exist' in balliva prefat die de diversis bon' & cat' ut de bon' & cat' suis prop' in quadam Schedul' sive inventoz' huic Inquisitioni & predict' brevi annex' mentionat' attingen' in toto juxta separal' precia super ea per Jur predicta

In Scac.



dia' imposu' ad 171 l. 11 s. 8 d.
Que quidem sepel' bon' & cat' Nos
pfat' Die pō die captionis huius
Inquisition' virtute brevis pzed
in manus diai Dñi Regis, &c.
capi ac seiri fecimus ac Iur
pzed ulterius super dictum sacram
lum dicunt quod pzed Willus
Harley nulla al' sive plur' habet
bon' seu cat' nec aliqua habet
debit' credit' spialitat' seu denar'
summas nec 24 die Decembz' pō
seu unquam postea aliquas habu-
it terr' seu tenta in manibus a-
licuius person' sive personarum
aliquarum in balliva pzetat'
Die ad notic' eozundem Iur'
Que modo, &c. ut antea.

Modus & forma
retorn' Schedul'
pzed'.

Schedul' sive Inventoz' bon' &
catall' Willi Harley Civis & In-
holder de London' in manus Dñi
Regis nunc 3^o die Ianuar' anno
Dom 1694. capt' & seir' per Wil-
lium Coles M^r & Iohem Sweet-
aple M^r Dic' Civit' London'
virtute brevis Willi & Mar' Re-
gis & Regine Angl, &c. de Cr-
tent' emanat' versus pzetat' Wil-
lum Harley p debito 400 l.

Extent versus
Jacobum Rogers
direct' Cancel'
Com' Palatin'
Lanc' ad inveni-
end' debit' & In-
quisition' super
inde.

Respons' prenobilis Robert' dni' Wil-
loughby Baron' de Eresby Canc'
Com' Palatin' Lanc' ad hoc breve.

Virtute istius brevis Dñi Re-
gis & Dñe Regine mihi direct' &
deliberat' p aliud breve dictorum
Regis & Regine sub sigill' Com'
Palatin'

Trin. 6 W. & M.
Lanc'.

Palatin' pdict' debet' confect'
Mandari fec' Dic Com pdict' p
ut interius mihi pcepit' Qui qui-
dem Dic scit' Thomas Ashurst
Ar' mihi respondet quod Executio
bzevis pdicti super mentionat' pa-
tet in quadam Scheda huic bze-
vi annex'.

per ipsum Canc'.

Lanc' ff. Inquisit' Indentat'
capt' apud Manchester in Com
Palatin' Lanc' pdict' Octavo die
Junii anno regni Domini Regis
& Domine Regine Gulielmi &
Marie Anglie, &c. sexto coram
me Thoma Ashurst Armiger' Dic
Com Pal pdict' virtute bzevis
dcozum Domini Regis & Dñe Re-
gine mihi direct' & deliberat' huic
Inquisitioni annex' per sacram
(here insert the Names of the Jury) p-
bozum & legal' homin' Com pdict'
qui dicunt super sacram suum pñ
quod quidam A. B. de C. in Com
D. die captionis hujus Inquisi-
tionis indebitat' existit pdict' Iaco-
bo Rogers in suma (insert the Sum,
and for what the Debt is due, and so
in like Manner if more than one Debt)
and so conclude as in the preceding
Inquisitions.

Extent versus
corpus terr' &
ten' bon' & cat'
Williel' Smith.
Hill. 4. W. & M.
London.

Virtute istius bzevis nobis di-
rect' cepim' corpus infranominat'
W. S. cujus quidem corpus in
Prison Dñi Regis & Domine
Regine sub custodia nra hemus.
Hest

Resid Execution istius brevis
patet quadam Inquisitione huic
brevis annex'.

Respon'.

Thomæ Lane, Mil'.

&

Thomæ Cooke, Mil'.

} Vic'

Inquisitio Indentæ cap't apud
Guilhald, &c. (modo & forma ut
antea mutatis mutandis.)

Extent' versus
terr' & ten' &
catt' Paschali
Mynne.

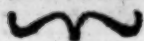
Mich. 5 W. & M.
Devon.

Virtute cujus
quid' brevis me-
suag' terr' & ten'
& bon' & cat'
præd' Paschali
Mynne seit' ex-
ist'.

Infranominae Pasch E. M. non
est indene in balliva mea resid
Execution istius brevis patet in
quadam Schedul huic brevis annex'.

Georgius Prestwood Ar' Vic'.

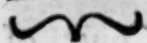
Inquisitio Indentæ cap't apud
Castrum Exon in Com' pdict' ult'
die Augusti anno regni Dom' Gu-
lielmi & Domine Marie nunc
Regis & Regine Anglie, &c. 5^o
coram me Georgio Prestwood
Ar' Vic' Com' pdict' virtute hris
dicti Dom' Reg & Dom' Regine
mihi direct' & huic Inquisitione
annex' per sacram Johis Jesson,
&c. (insert the Jury) proborum & le-
gal' hominum de balliva pfat' Vic'
Qui dicunt sup sacram suum præd'
quod præd' Paschalius Mynne in
brevis præd' nominat' præd' tertio
die Marti Anno regni dñi Dom'
Reg & Dñe Regine quinto in
brevis pdict' mencionat' seit' fuit &
dñs die captionis huius Inqui-
sitione seit' exist' de & in un' Mes-
suag'



The New Retorna Brevium.

suag cum pertind situat jacent &
 existend in Paroch S'ti Leonard in
 Com D. modo vel nuper in tenu-
 ra sive occupac p'd Pasch Wyne
 vel assign suoz clari annui valor'
 in omnib' exitibus ultra repz's
 decem libz' ac de & in un' al
 Messuag cum pertind situat jacent
 & existend in p'dict' Paroch S'ti
 Leonardi in Com p'dict' modo vel
 nuper in tenura sive occupacone
 Jonathan Labington vel Assign
 suorum clari annui valor' in om-
 nibus exit' ultra repz's decem
 libz'. Ac Jurat' p'dict' ulterius
 super dict' sacram suum dicunt
 quod p'dict' Paschallus Wyne
 dict' die capcon hujus Inquisi-
 tion possessionat' exist' ut de bono
 & cat' suis propz' de & in vi-
 ginte & un' fascibus Anglice Ends
 panni lanei Anglice vocat' Serges
 Que quidem bono & cat' nuper fu-
 er' in quadam Rave sive vase
 voc' le Unity de Coptham adtunc
 fluctuand ad Anchoz' in Rib'
 de Coptham in Com p'dict' Que
 quidem Ravis sive vas adhuc ex-
 ist' in possessione Samuel' Elliott
 Magr' Ravis sive vasis pzed Que
 quidem vigine & un' fasces Pan-
 ni lanei modo exist' in possessione
 Johis Ellwill & appreciat' sunt
 per Jur' p'dict' super Sacram su-
 um pzed ad sexcent' libz' legalis
 monet' Angl & valent ad vendend
 sexcent' libz' legalis monet' Angl
 omnia & singula que quidem Mes-
 suag

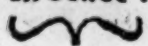
In Scacc.



suag' cum pertind & bon & car'
 p'dia' ego p'fat' Dic virtute bre-
 vis p'd in man' d'ei Dom' Regis
 & Domine Regine capi & seir'd
 feci per extent' p'ed' iuxta cri-
 gent' ejudem brevis Et ulte-
 rius Jur' p'dict' super sacram
 suum p'dict' ulterius dicunt
 quod p'dict' Paschasius Wynne
 d'eo tertio die Maii anno
 quinto supradict' seu unquam po-
 stea hucusque nulla al' sive plur'
 het sive habuit bon' seu car' terr'
 sive ten' debuit' credit' specialitat'
 seu denar' sumas in balliva p'fat'
 Dic p'ed' que extendi appetiari
 aut in man' d'icti Dom' Regis &
 D'ne Regine capi seu seiri ponissut
 ad notie' Jur' p'dict' & ulterius
 Jur' p'dict' super sacram suum p-
 dia' ulterius dicunt quod p'dict'
 Paschasius d'eo tertio die Maii
 anno quinto suprad' seu unquam
 postea hucusque nulla habet sive
 habuit bon' seu car' terr' sive ten'
 debuit' Credit' sp'ialitat' sive denar'
 sumas in balliva p'fat' Dic que
 extendi appetiari aut in man' d'ei
 D'ni Regis & D'ne Regine capi
 seu seir'd possunt ad notie' Jur' p-
 dia' In cuius rei Testimon'
 tam p'fat' Dic qua' Jur' p'dict' huic
 Inquisition' sigilla sua apponi fec-
 cer' d. e. & anno suprad'.

Georgius Prestwood. Ar' Vic'.

In Scacc.



The like upon an Extent out of the Court of Exchequer, where Goods and Chattels were seized, but no Lands.

Inquisitio Indentat' capt' apud Ec. coram, Ec. p. Sacramentum, Ec. qui Jur', Ec. dicunt qd' M. T. indicto brevi nominat' vicesimo sexto die Decemb'is anno Dñi Millesimo sexcentesimo quadragesimo octavo quo die idem M. p'imo debitor' devenit in eodem brevi specificat' & postea fuit seiscitus in dominico suo ut de feodo de E in uno Mesuagio uno Horreo uno stabulo uno Columbario uno Gardino & duobus hortis cum pertind' eidem Mesuagio spectand' ac de E in una pecia sive parcella terre arabilis cum copicea adind' spectand' comunite' vocat' Etwel Stownes continend' per estimationem tres acras, Ec. jacent', Ec. clari annui valoris Ec. ac etiam de E in tertia parte in tres partes dividend' unius firme sive domus mancionat' vocat' Waters Mead, ac duoz' Horreoz' unius stabuli, Ec. continend', Ec. situat', Ec. in omnibus, Ec. omnia & singula que quidem separalia premissa predicta cum pertinen' Ego p'fat' Die die cap'ionis hujus Inquisitionis in manus dñi Domini Regis nunc cepi & seisciri feci secundum exigentiam brevis p'ed' ac Juratores p'dict' super Sacramentum suum p'dictum ulterius dicunt quod predictus M. T. predicto vicesimo sexto die Sept' anno Dñi 1648. supradict' seu unquam postea hucusque nulla alia sive plur' terr' & tenement' nec aliqua bona seu catalla in balliva mea habuit sive habet que ullo modo capi seisciri

iri aut extendi facere possum ad noticiam In Scacc;
Jur' p'dia' In cujus rei Testimonium,
Ec. Vide Offic. Brev. 206.

Aliter secundum Wilk. on Greenwood, 236, &c.

Infranominat' A. B. non est indent' in
balliva mea Resid' Executionis hujus bre-
vis patet in quadam Inquisition' indent'
huic annex'.

R. S. Ar' Vic'.

Inquisitio indent' capt' apud H. in Com
p'dia' 21 die Oct' anno regni Domini Re-
gis nunc 14 coram R. S. Ar' Vic' ejusdem
Com N. Virtute brevis dicti Com Car' 2.
Dei gra Angl' Scoc' Franc' & Hibne Re-
gis fidei Defens, Ec. mihi direct' & huic
Inquisitioni indent' annex' per sacram H.
S. Ec. (to the Number of 12 at least) pbo-
rum & legalium homin' de balliva mea
qui jurat' (Ec.) dic' super sacram suum qd
R. C. in p'dia' brevi nominat' 20 die A-
prilis anno regni Regis p'dia' 13 in eo-
dem brevi nominat' super quem diem p-
dia' R. C. devenit debitor dco Com Re-
gi inframenc' seit' fuit in Vinco suo ut
de feodo de & in un' mesuag' cum p'tin' quin-
que acr terre sex acr prati & octo acr pastur'
situat' jacent' & existent' in P. in Com p-
dia' modo in tenur' & occupatione J. B.
vel Amgn' suoz clari annuat' valoris in
omnibus Exit' ultra rep'is 10 l.

Seit' in
Feodo.

Omnia que quidem Mesuag' terr' &
tenta cum p'tin' Ego p'fat' die eodem
die caption' istius Inquisition' Cepi & sei-

Cepi.

F 2

sibi

In Scacc. sibi in manus dcd Dom Regis put per
breve istud mihi pzeipit.

*Reversion
found.*

Et iidem Jur' super sacram suum die
quod pdia' R. C. ad diem caption' hujus
Inquisition' in reversione seit' est (cum
acciderit post mortem C. D. vid') in D' in-
co suo ut de feodo de uno Mesuag' cum
pertin' sex acr' terr' quingue acr' ppat' &
12 acr' pastur' situat' jacent & existent
in H. in dia' Com P. & modo in tenu-
ra & occupatione ejusdem C. D. vid' Et
quod pzed C. D. vid' nunc in vita existit
adeo quod ad pzelens pzed Mesuag' terr'
& pzemis in H. pdia' sunt nullius valoris
sed post mortem ipsius C. D. vid' clari an-
nual' valoris fuerint in omnibus Exit' ul-
tra repziz 8 l.

*Reversion
seized.*

Reversion' cujus guidem Mesuag' terr'
& pzemis cum pertin' in H. pzed (cum
acciderit) Ego pzeat' Die eodem die cap-
tion' hujus Inquisition' cepi & seilibi in
manus dicti Domini Regis secundum exi-
gent' istius brevis.

*Possessi-
on' de bo-
nis.*

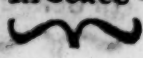
Et ulterius Jur' pzed super sacram suu
die quod super nominal' R. C. ted cap-
tion' hujus Inquisition' fuit & modo pos-
session' est de bonis & catallis separatim
menconat' & appreciat' in quadam Sche-
dul' huic Inquisition' indentat' annex' ut
de bonis & catallis ppz' Et qd totus va-
lor eorumdem bonorum & catallorum est
40 s.

*Sei' vi bo-
na.*

Que bona & catalla eodem die caption'
hujus Inquisition' ego pzeat' Die simi-
liter in man' dicti Dom Regis seilibi.

*Rent due
in arrears
found, and
Goods in
man' R. J.*

Et iidem Jur' ulterius die super sa-
cram suum quod eodem die caption' hujus
Inqui-

Inquisitō R. J. de B. in Com R. pdict' In Seacc'.
 Yeoman indebitat fuit supranominat R. C. 
 in summa integra viginti lib' pro reddit' Ace-
 ciam qd modo sunt in man ejusdem R. J.
 diversa bona & catalla ejusdem R. C. sci-
 licet una longa Tabula, &c. que bona &
 catalla conjunctim sunt valor' 40. s. Om-
 nia que quidem Reddit' 20. l. & bona &
 catalla valor' 40. s. pñ Ego pfac' Die eo- *Seizure*
 de die capcōm hujus Inquisitōm sit' in *inde.*
 man' dcd Dñi Reg' ut in man' ejusde
 R. J. seisi. vi.

Et pdict' Jur preterea die super sacram Nulla a-
 pred Cū infranominat' R. C. nulla al' sive *lia terr'*
 plue habet terr' sive tenement' ad predict' *sive bona.*
 die quo devenit debitor' sic ut pdict' nec *&c.*
 unquam postea neque ulla al' sive plura
 bona & catalla habet tee capcōm hujus
 Inquisitōm in balliva mea ad notie Jur
 pdict'. In cujus rei Testimonium, &c.

R. S. Ar. Vic.

Aliter & liberavi secundum Brev. Judic. 263.
 of three Parts of a Manor in Lease.

Infranominat' C. P. non est invent' in
 balliva mea Rescō Execution' istius brevis
 patet in quadam Inquisitōm huic brevi
 annex'.

A. R. Ar. Vic.

Inquisitō indentat' capt' apud B. in
 Com pdict' (tali die & anno) coram, &c.
 Virtute brevis Dom Regis huic Inquisi-
 tōni annex' p sacram (&c.) qui die sup
 sacram suum qd C. P. in dco brevi nomi-
 nat' die capcōm hujus Inquisitōm posses-
 sionat' fuisset de & in tribus partibus do-
 minis

In Scacc.

Wminii sive Manerii de F. alias R. T. S. cum pertin in Com pdict in septem partes divis p Terin 43 annor ventur a Festo Scd M. Archi ulc pdict quam quide dimission sive Termin de & in tribus partibus Domini sive Manerii pdice cum pertin in septem partes divis Jur. &c. extenderunt ad 300l. ultra omnia oia & reppis Et ulterius Jur pdice dic sup sacram suu quod pdict T. P. die recogn debi pdice seu unquam postea non habuit ulla bona aut catalla terras sive tena in Com pdice que extendi aut prefat R. D. in dca hzevi nominat liberari possunt Et unde ego pstat Dic virtute hzev ps die & anno supra dict prefat R. D. pdict dimissionem sive Termin annor pdice de & in trib9 partib9 Manerii sive domini ps cum ptin in septem partes divis libari feci juxta ap pzeccionem pdict tenend eidem R. & Assign suis ut catalla sua propz secundum erigent istius hzevis In cujus, &c. Vide eund. 267.

Aliter versus Cohered' upon an Extent in the
Exchequer secundum Offic. Brev. 236.

Hanc ff. Inquisitio Indentat' cap' apud
D. in Com pdict' vicesimo nono die Septembris anno Regni Domini Caroli secundi dei gra Anglie Scot Franc & Hibernie Regis Fid Defen', &c. decimo sexto coram me T. B. Ar Dic Com pdict' virtute hzevis dicti Dom Regis mihi direct' & huic Inquisitoni annex' per sacram H. B. J. D. &c. probat & legalit' hominum de Balliva mea qui Jur & onerati super sacram

examend suum dicunt quod J. & S. tri-^{In Scacc;}
 cesimo die Januarii anno regni dicti Do-
 mini Regis nunc primo & continue abinde
 usq; diem captionis hujus Inquisitionis
 fuerunt & modo existunt tenend' diversar' terr'
 in Althe in Scheda hzebi predict' annex'^{Tenen' ut}
 specificat' quibus terr' ill' descendebant ut^{Cohered.}
 Cohered' Et Etherberti Omer qui obiit in^{diver'}
 de seit'.^{Terrar'}

Et ulterius Jur' predict' dicunt quod
 R. H. tricesimo die Januarii anno regni
 dñi Dom' Regis primo supradicto & conti-
 nue abinde usq; tertium diem Aprilis anno
 Regni ejusdem Dom' Regis decimo fuit
 tenens Manerii de C. in Scheda p'dicta
 specificat' Et quod idē R. H. eodem 30 die
 Jan' de Manerio illo obiit seit' in dñmini-<sup>Et ulte-
rius de
Manerio
quod de-
scend' fi-
lio & he-
red'.</sup>
 co suo ut de feodo post cujus mortem Ma-
 ner' illud cuid' R. H. ut filio & hered' p'dict'
 H. patris sui Jur' Hereditat' descendebat
 & quod p'dict' R. filius est modo tenens
 inde.

Et ulterius Jur' predict' dicunt quod
 Rectoria de C. B. in Scheda predict' spe-
 cificat' ab initio regni dicti Domini Regis
 predict' usq; diem captionis hujus Inqui-
 sitionis fuit & est parcell' junctur' Henriet'
 Mat' regine Angl' Matris Domini Regis
 nunc quodque W. B. p' tempus predict'<sup>Tenens
Rectorie</sup>
 fuit tenens & modo tenens existit ejusdem
 Rectorie virtute cujusdam dimissionis inde^{parcell'}
 eidem M. p' H. Com. Scti Albani nup fact'^{Junctur'}
 & concess' sed cui vel quibus revertera Recto-<sup>H. Mar.
Reg'
Angl'.</sup>
 rie predict' infra tempus predict' jure He-
 reditat' descendebat Jur' predict' penitus
 ignorant.

Et ulterius Jur' p'dict' dicunt super sa-
 cram suum quod W. S. tricesimo die Ja-
 nuarii

In Scacc. nuarii anno regni dicti Domini Regis primo
 ~~~~~mo supradicto & continue abinde usque  
 quartum diem Julii anno regni dicti Do-  
 mini Regis nono scit' fuisset in dominico  
 suo ut de feodo de & in Mesuagiis & terris  
 Et tenen. in B. in Schedul huic brevi annex' specificat'  
 Messua- quo die Walterus obiit inde scit' in do-  
 giis ut Fil' minico suo ut de feodo & post cujus  
 & Cohe- mortem Mesuag' & terre pdict' cuidam  
 red'. Georgio Stoddard Gen' & Thome Stod-  
 dard ut fil' & Cohered' pdicti Walteri Pa-  
 tris sui Jure Hereditar' descendebant Et  
 quod dictus Georgius Stoddard & Thom'  
 Stoddard modo tenentes inde existunt.

Et ulterius fuit predict' dicunt super  
 sacramentum suum quod pdict' Georgius  
 Stoddard & Thomas Stoddard (tali die &  
 anno) & continue abinde usque die cap-  
 tionis hujus Inquisitionis fuit & mo-  
 do existit Tenens Molendini aquatici in  
 Tenens molendi- West greenwich in Scheda predicta' speci-  
 ni aquati- ficat'.  
 ci.

Qd' sci- Et ulterius Jur' pdict' dicunt quod Scit'  
 licet Ma- Manerii de Cast'larleigh in Schedul pdict'  
 ner' re- specificat' remansit in manibus dicti Domi-  
 mansit in ni Regis absq' aliquo tenente inde usque  
 man' Re- diem captionis hujus inquisitionis ab initio  
 gis absque regni ipsius Domini Regis.  
 aliquo

Tenente. Et ulterius Juratores (&c) quod Rob-  
 tus Ranssep tricesimo die Januarii anno  
 primo Regis supradict' & continue abinde  
 usque quintum diem Martii anno regni  
 ejusdem Domini regis tertio decimo fuit  
 Tenens Manerii de Lewisham in Schedu-  
 la predicta specificat' & il' tenuit quousque  
 idem Robtus postea scilicet eodem quinto  
 die Martii concessit Maner' illud cum per-  
 tin

Tenens  
 de Ma-  
 n-r' quo-  
 usque  
 concessit  
 alteri.



tim cuidam Reginald Graham & Hered suis <sup>In Seaco.</sup>  
 qui quidem Reginald modo tenens inde  
 existit.

Et ulterius Jur predict dicunt quod non <sup>Non est</sup>  
 habetur nec est aliquod tal Maner in dicto <sup>tal' Ma-</sup>  
 Com Hanc' vocat' Maner de Ducking <sup>ner' in</sup>  
 field in Scheda poict' specificat' ad noti <sup>Com' voc'</sup>  
 tiam Jur predict'. <sup>D.</sup>

Et ulterius Jur pdict dicunt super sa <sup>Conclusio</sup>  
 cram suam quod manerium <sup>Qd' Ma-</sup>  
 nement supradict' ab initio regni dicti Do <sup>ner' Rec-</sup>  
 min Regis hucusque alicui al persone vel <sup>toria, &c.</sup>  
 aliquibus al personis alie quam ut superi <sup>non de-</sup>  
 us comptum est Jur hereditat' non descen <sup>scend' a-</sup>  
 debant ad noticiam Jur predict'. In cu <sup>liter qm'</sup>  
 jus rei Testimonium tam ego prefat Dic <sup>comper-</sup>  
 quam Jurator' pdict' huic Inquisitioni si <sup>tum est.</sup>  
 gilla nostra separatim p se apposuimus die  
 Et anno supradict'. Vide Offic. 236. &c.

T. B. Ar. Vic.

That the Lands lie within the Cinque Ports.

N. Baronibus infra script' certifico quod  
 mesuagia & tenta in Lidd & Prome-hill in  
 Scheda huic brevi annex' content' jacent  
 & existunt infra libertat' quinq' portuum  
 Et Ideo ullam Excec' istius hris quoad  
 Mesuagia & Tenementa pred' facere non  
 possum Resid' vero Excec' istius hris  
 patet in quadam Inquisitione huic brevi  
 annex'. Vide Offic. Brev. 237.

T. B. Ar. Vic.

Retorn



In Scacc.

**W** Retorn of an Inquisition upon an Extent out of the *Exchequer*, at the Suit of the King and an Accomptant.

*Seisin of a  
Reversion  
in Fee-  
Tail.*

**N.** Inquisitio indentat capt' apud S. in Comitatu p'dict' (tali die & ann) coram me A. B. Ar' Vic Com p'dict' virtute brevis dicti Domini Regis mihi direct' & huic Inquisitioni annex' per sacramentum W. C. &c. proborum & legalium hominum de Comit' meo p'dict' qui Jurat' & onerat' existē dicunt super sacram suum quod A. M. Armiger in brevi p'dict' nominat' (tali die) quo die debitor dicto domino Regi primo devenit seistus fuit & die captionis hujus Inquisitionis seistus existit in dominio suo ut de feodo tallat' in reversione cum acciderit scilicet post mortem A. Domine W. vidue matris ejus de & in reversione tertie partis indivisi Manerii vocat' B. A. tuat' & existē in Parochia de M. in dicto Comitatu Midd' in tres partes dividendū cum omnibus & singulis juribus membris reddit' servitiis & pertinentiis quibuscunq' eidem manerio spectant sive pertinent modo vel nuper in tenura sive occupatione p'fat' A. Domine W. vel assignatorum suorum ac etiam in reversione cum acciderit scilicet post mortem p'fat' A. Domine W. vidue de & in tertia parte indivis' (in tres partes similiter dividendū) omnium & singulorum terr' Tenement' & Hereditamentorū eidem manerio spectant sive pertinent cum pertinentiis aut cum eodem modo vel nuper usitat' sive occupat' ut part' parcel sive memb' ejusdem jacent & existē in Parochia de W. p'dict' modo

do vel nuper in tenura sive occupatione <sup>In Scacc.</sup>  
 p̄fāt' N. Domine W. vidue vel assignato-  
 rum suorum clari annui valoris in omni-  
 bus exitibus ultra repp̄sas centum libras  
 rum (and so of the rest of the Parcels) que  
 omnia & singula p̄dict' p̄mentionat' cum  
 pertinentiis unde p̄dict' J. W. in rever-  
 sione p̄dict' sicut p̄fertur seisi' existit Ego  
 p̄fāt' Die dicto die Captionis hujus In-  
 quisitionis in manus d̄i Domini Regis  
 cepi & seisi' feci p̄out per breve p̄dictum  
 mihi p̄cipitur ac ulterius Juratores <sup>Qu' Te-</sup>  
 p̄dict' super sacramentum suum p̄dictum <sup>nens pro</sup>  
 similiter dicunt quod p̄dict' N. Domina W. <sup>vita est</sup>  
 modo superstes & in plena vita existit ac <sup>superstes.</sup>  
 quod p̄fāt' J. W. (tali die) seu unquam  
 postea hucusq; nulla alia sive plura habuit  
 seu modo habet maneria terr' tenement' seu  
 hereditament' nec dicto die Captionis hu-  
 jus Inquisitionis alia habet bona seu ca-  
 talla in dicta Balliva mea ad noticiā Ju-  
 ratorum p̄d seu eorum alicujus que modo  
 extendi app̄ciari aut in manus dicti Do-  
 mini Regis seisi' possunt. In cujus rei  
 Testimonium. Et. Vide Dalton 550, 551.

A. B. Ar. Vic.

The like upon a Re-extent upon a Statute of  
 the Staple, at the Suit of an Executor.

¶ Inquisitio Indental' capē apud R.  
 in Comitatu p̄dicta (tali die) coram me  
 M. L. Bar Die Com p̄dict' virtute bre-  
 vis dicti Domini Regis de re-extendi fac  
 super Stat' stapul' mihi direct' & huic In-  
 quisitioni annexat' per Sacramentum C.  
 C. (insert the Jurors names) p̄bozum & le-  
 galium hominū de Balliva mea qui jurat  
 &



In Seacc.

**W**onerat dicunt super Sacramentum suum  
 quod R. G. nuper de L. in Comitatu S.  
 Armig modo defunct in brevi p'dicto nomi-  
 natus circa (talem diem) in dicto brevi no-  
 minat (quo die debet mille librarum in eo-  
 dem brevi specificat per ipsum recognit  
 fuit) seistus fuit in dominico suo ut de  
 feodo de E in toto illa pecia & parcella ma-  
 risci & terr mariscal cum pertinentiis con-  
 tinent per estimationem decem acras (Ec.)  
 jacent & existent in Parochia de A. in dicto  
 Comitatu M. abbutan sive prope adjacent  
 cuidam loco ibidem vocat C. O. ex par-  
 te Orien, Ec. ante hac in separalibus te-  
 nuris sive occupationibus quorundam C.  
 D. & J. H. aut eorum unius vel assigna-  
 torum eorum aut unius eorum que omnia  
 & singula catalla pecias & parcel marisci &  
 terr mariscal & cetera premissa premen-  
 tional' cum pertinentiis de quibus p'dict  
 R. G. sic ut prefertur seistus fuit in do-  
 minico suo ut de feodo Ego prefat' Die  
 dicto die Captionis hujus Inquisitionis  
 diligenter extendi & appreciari & in ma-  
 nus dicti Domini Regis nunc seistri feci  
 ut idem dominus Rex ca Edward' Comiti  
 S. Execut Testamenti & ultime voluntas  
 tis S. M. Militis in brevi p'dict similiter  
 nominat' quousq; sibi de p'dict debito  
 mille Librarum plene satisfacere fuit libe-  
 rari fac' juxta formam Statuti apud W.  
 pro hujusmodi debet recuperandi inde edic  
 & probis secundum tenorem & effectum es-  
 jusdem brevis ac prout per idem breve mi-  
 hi precipitur. Ne ulterius Juratores p'dict'  
 super sacramentum suum p'dictum simili-  
 ter dicunt quod nulli sunt sive exist' he-  
 res in- fra erat. redes sive heres qui infra etatem existunt  
 sive

Nullus  
 heres in-  
 fra erat.



sive existit quibus vel cui premissa premen- In Scacc.  
tionat' cum pertinentiis de quibus pdict' ~~~~~  
R. G. sic ut prefertur seistus fuit in do-  
minico suo ut de feodo aut aliqua inde par-  
cella jure hereditario descenderunt sive  
discendit ad noticiam eorum aut alicujus  
eorum Deniq Juratores pdict' super Sa-  
cramentum suum predictum similiter di- Nulla  
cunt quod nulla sunt bona seu Catalla in bona, &c.  
Balliva mea que fuerunt prefat' R. G. die  
Obitus sui neque sunt aliqua alia sive plu-  
ra terr Tenement' seu Hereditam' in diao  
Comitat' M. de quibus idem R. G. pre-  
dict' (die, &c.) seu unquam postea seisi-  
tus fuit in dominico suo ut de feodo que  
extendi appreciari, aut in manus dicti  
Domini Regis nunc capi aut seisiri pos-  
sunt ad noticiam Jur' pdict' seu eorum ali-  
cujus In cujus rei Testimonium tam ego  
prefat' Die quam Jur' predict' sigilla no-  
stra huic Inquisitioni apposuimus die &  
anno primo supradict'. Vide Dalton 551,  
&c.

M. R. Baron' Vic. Com.

The like upon a Statute of Lands and Goods.

ff. Inquisitio Indentat' capi' apud M.  
in Comitatu' pdict' (tali die) coram me A.  
B. Mil & Bar Die Com virtute brevis  
dicti Domini Regis de Statut' Stapul mi-  
hi direct' & Inquisitioni annexat' per Sacra-  
mentu' J. S. (insert the Jurors) proborum  
& legalium hominum de Balliva mea qui  
Jurat' & onerat' existe dicunt super Sa-  
cramentum suum quod M. G. de A. in  
Comitat' pdict' Armiger in brevi pdict'  
nomi-

*In Scacc'  
Possessed of  
the Goods  
in a Sche-  
dula an-  
nexed.*

*Seit' jure  
uxoris.*

*Quod te-  
nen' in-  
simul &  
pro indi-  
viso. Uxor  
superstes.*

nominatus dicto die Captionis hujus In-  
quisitionis possessionat' fuit & existit de bo-  
nis & catall' suis propriis de & in omni-  
bus & singulis bonis & catallis in Sche-  
dula sive Inventorio indentat' huic Inqui-  
sitioni annexat' particulariter mentionat'  
& express' separalium preciarum & valorum  
in eadem Scheda sive Inventorio par-  
ticulariter specificat' attingend' in toto ad  
sexaginta & tres libras legalis monete  
Anglie ac etiam Juratores pdict' super  
Sacramentum suum similiter dicunt quod  
pdict' W. G. & M. uxor ejus nuper dicta  
M. G. circa tempus Recognitionis debet'  
octingentarum librarum in eodem brevi  
nominat' scilicet citra (diem, &c.) in dicto  
brevis specificat' seisit' fuer' & dicto die Cap-  
tionis hujus Inquisitionis seisit' est (in ju-  
re ipsius Marie) in dominico suo ut de  
feodo de & in medietate omnium & singulo-  
rum Messuagiorum Tenementorum & He-  
reditamentorum quorumcumq; cum perti-  
nentiis postea particulariter mentionat' &  
express' existend' in tota clari annui valoris  
in omnibus exitibus ultra repris 70 l. le-  
galis monete Anglie viz. de & in medietate  
duorum Claus' (name the Particulars here)  
omnia que quidem Messuagia Terras Te-  
namenta & Hereditamenta prementionat'  
cum pertinentiis pdict' W. G. & Maria  
uxor ejus ut in Jure ipsius Marie & J.  
H. Gen & Francisca uxor ejus ut in Jure  
ipsius F. in simul pro indiviso tenent ac de  
eisdem modis seisiti existunt in dominico  
suo ut de feodo ac ulterius Juratores pre-  
dict' super Sacramentum suum pdictum  
similiter dicunt quod pdict' W. uxor pdict'  
W. G. adhuc superstes & in plena vita ex-  
istit



ffit scilicet apud M. pdict' in Comitatu In Scacc'.  
 pdict' Ac insuper Juratores predicti super  
 Sacramentum suum pdictum similiter di-  
 cunt qd pdict' M. G. circa tempus Re-  
 cognitionis debiti pdict' in dicto brevi spe-  
 cificat' scilicet circa pdict' (diem, &c.) sei-  
 sicus fuit ut de feodo de & in uno Capita-  
 li Mesuagio (&c.) que quidem bona & ca-  
 talla in Scheda sive Inventorio pdict'  
 mentionat' nec non omnia & singula Mes-  
 suagia terre Tenementa & premissa pre-  
 mentionat' cum pertinentiis scilicet tam  
 medietatem omnium & singulorum Mes-  
 suagiorum Cottagiorum, terrarum Tene-  
 mentorum & Hereditamentorum cum perti-  
 nentiis de quibus pdict' M. G. & M. uxor  
 ejus sic ut prefertur seisciti fuerunt & existi-  
 unt in dominio suo ut de feodo in jure  
 ipsius M. quam pdict' capitale Mesuagi-  
 um, &c. ego prefat' Vic' in manus dicti  
 Domini Regis seisciri feci juxta exigenti-  
 am brevis pdict' ac prout per idem breve  
 mihi precipitur Ac denique Juratores  
 pdicti super Sacramentum suum predicti  
 similiter dicunt quod pdict' M. G. die test'  
 brevis pdict' scilicet (tali die, &c.) anno  
 supradicto seu unquam postea huc usque pos-  
 sessionatus fuit sive existit de nullis aliis  
 sive pluribus bonis seu catallis in Balli-  
 va mea neque fuit sive existit idem M. G.  
 in Jure suo proprio aut in jure prefat'  
 M. uxoris ejus seiscit' de aliquibus aliis  
 sive pluribus terris Tenementis seu Here-  
 ditamentis in dicto Comitatu M. pdict'  
 tempore recognitionis debiti predicti scilicet  
 dicto (die, &c.) anno supradicti seu unquam  
 postea hucusque que extendi appreciari aut  
 in manus dei Domini Regis seisciri possunt  
 ad

Nulla a-  
 lia bona  
 terr', &c.



In Scacc. ad noticiam Jur̄ pred̄ sen eor̄ alicujus in  
 cuius rei Testimon' tam ego p̄fat' Die  
 qm̄ Jur̄ p̄dict' sigilla nra huic Inquisi-  
 tioni apposuimus die & anno p̄mo supra-  
 dict'. Vide Dalt. 552, &c.

An Inquisition upon an Outlawry.

Inquisitio indentat' (&c.) dicunt super  
 Sacramentum suum qđ Johes S. Mil in  
 brevi p̄dict' mencionat' die Lune p̄or'  
 post festum Epiphanie Domini anno regni  
 dicti Domini Regis duodecimo quo die ut-  
 lagat' fuit in London ad sextam Johis W.  
 de placito transgressionis super Calum un-  
 de condia' est seiscitus fuit & adhuc seiscitus  
 existit pro Termino vite de & in uno Me-  
 suagio uno Gardino & uno Pomario cum  
 pertin' eidem spectan' scituat' jacent' & ex-  
 isten' in Parochia de Seele in Com' p̄dict'  
 & modo in tenura sive occupatione Johis  
 W. vel assign' suor̄ clari annui valoris in  
 omnibus exitibus ultra reppis' triginta li-  
 brat' omnia & singula que quidem p̄missa  
 cum pertinen' superius specificat' Ego p̄-  
 fat' Die dicto die captionis hujus Inqui-  
 sitionis in manus dicti Domini Regis  
 nunc cepi & seisciri feci p̄out per breve il-  
 lud mihi precipitur Et Jur̄ p̄dict' ulterius  
 super Sacramentum suum dicunt quod p̄-  
 dict' Johes S. nulla habet bona aut catal-  
 la neq; ulla alia sive plu' ter' aut Tene-  
 ment' in balliva mea tempore utlagat' p̄dict'  
 seu unquam postea ad noticiam Jur̄ p̄dict'  
 In cuius rei Testimonium uni parti hujus  
 Inquisitionis penes p̄dict' Jur̄ remanend'  
 Ego p̄fat' Die sigillum meum a posui  
 Et alteri parti ejuldem tam ego p̄fat'  
 Die

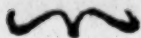
Die quam Iur p̄dict' sigilla nostra alter- In Scacc.  
natim apposuimus die & anno primo su-  
p̄dict'. Vide Offic. Brev. 205.

T. B. Ar' Vic'.

A special Inquisition upon an Extent against  
Church Lands.

Inquisitio Indentat' capt' apud, &c. an-  
no, &c. coram me Johe Beale Bar Die  
Com p̄dict' virtute brevis, &c. per Sacra-  
mentum J. R. &c. probat' & legalium, &c.  
Qui Iurati & onerati super Sacramen-  
tum suum dicunt qd Archiepiscop' Cantu-  
ar' tempore captionis hujus Inquisitionis  
seisitus fuit Iure Archiepiscopat' Cantu-  
ar' de & in Manerio de Westgate tribus  
horeis uno stabulo & aliis Edificiis struc-  
tur' Gardin' & Pomar' Ac de & in quadra-  
gint' acris terre arabilis p̄ati & pasture  
scituat' jacent' & existen' in Paroch de West-  
gate Scti Dunstani Harbledown Hackinton  
& Chanington in Com' Hanc nunc vel  
nuper in tenura sive occupatione Ric' Bar-  
ker & Francisci Churchman vel Aliq' suod'  
clari annui valoris in omnibus exitibus  
ultra rep̄is trescentat' librat' Que omnia  
& singula premissa cum pertin' Ego pre-  
fat' Die die Captionis hujus Inquisitionis  
in manus Domini Regis cepi & seisi feci  
ei put per dictum breve mihi p̄cipitur.  
In cujus rei Testimonium tam, &c. quam,  
&c. Vide Offic. Brev. 208, 209.

In Scacc'.



The like against the Lands belonging to a  
Dean and Chapter.

Inquisitio, &c. dicunt qđ Decan & Capitt Ecclesie Cathedralis Christi Cantuar' tempore captionis hujus Inquisitionis seist' fuit jure pdict' Decanac' de & in manerio de Addisham cum hozreis Stabulis Edificiis Structuris Gardinis & Pomariis eide pertinen & quadraginta Acris terre sive plus sive minus jacen & existen in Parochia de Addisham in Com pdict' modo vel nuper in Tenue sive Occupatione Thome A. vel Assignatoꝝ suoz clari annui valoris in omnibus exitibus ultra repzis ducentaꝝ libzaꝝ Que omnia & singula premissa superius specificat cum pertinen Ego prefat' Vic, &c. ut antea, &c. Vide Offic. Brev. 209.

The like against the Lands of a Nobleman.

Inquisitio, &c. dicunt quod H. f. Com Winchelsea tempore captionis hujus Inquisitionis seist' fuit in dominico suo ut de feodo de & in uno Mesuagio sive Tenementa vocat' le Flying-horse uno Stabulo uno Hozreo uno Baziliatorio uno Gardino & decem acris terre arabilis sive plus sive minus eidem spectan cum pertin scituat jacen & existen in Parochia de Wipe in Com pdict' modo vel nuper in Tenura sive Occupatione Thome B. vel Assignatoꝝ suoz clari annui valoris in omnibus exitibus ultra repzis viginti libzaꝝ p annum  
Que



Que omnia & singula premissa, &c. ut ante. In Scacc.  
tea, &c. Offic. Brev. 209.

The like.

Inquisitio, &c. dicunt quod Philippus  
Vice Strangford tempore captivis hujus  
Inquisitionis scistus fuit in Dominico suo  
ut de feodo de & in uno Mesuagio sive  
Tenemento vocat le Saracens-Head cum  
Horeo stabulo & extradomibus & quatuor  
acris pasture sive plus sive minus eidem  
spectant scituat jacent & existant in Paro-  
chia de Ashford in Com p'dice & modo vel  
nuper in tenura sive Occupatione Samue-  
lis W. vel Assignatoris suo clari annui va-  
loris in omnibus exitibus ultra reprimis  
quindecim librat que omnia & singula, &c.  
ut antea. Offic. Brev. 209.

Retorn of a *Levari* out of the *Exchequer*  
with an Inquisition.

Baronibus infrascriptis ad diem & lo-  
cum infra contentum certifico quod separati per-  
sonam in *Schedula* infrascripta nominat nulla  
habent bona seu catalla terras seu tene-  
menta infra ballivam meam unde separati  
denari summas super ipsos in *Schedula*  
predicta respective onerati aut aliquem inde  
denari fieri facere seu levar non possum nec  
sunt inventi nec eorum aliqua est inventa in  
eadem, Restat Executionis istius brevis pa-  
tet in quadam Inquisitione huic brevi an-  
nexa.

In Scacc' n<sup>er</sup>. Vide Offic. Brev. 209. &c. Vic' postea  
 ~~~~~ Tit. Levare.

H. M. Bar' Vic'.

The Inquisition annex.

Inquisitio Indentat' cap^t apud, &c. cora' &c. per Sacramentū, &c. qui Jur dicunt, qd separat' personā in Scheda brevi p^{re}dict' annex' mentionat' separatibus diebus & annis in quibus & Domino Regi debitores debenerunt seu eorum aliquis debenerunt seu unquam postea huc usque nulla huer' seu eorum aliquis habet bona seu catalla terras seu Tenementa in balliva mea unde separales denar' summas super ipsos respective onerat' in Scheda p^{re}dicta menconat' aut aliquem inde denar' fac' seu lebat' possum vel que extendi lebat' seu app^{re}ciari possunt ad noticiam Jur' p^{re}dict' In cujus rei Testimonium tam, &c. quam, &c. Idem. 210.

Aliter. Return of an Inquisition upon a Statute, where the Defendant hath Goods, and that he hath not any Lands.

ff. Inquisitio Indentat', &c. coram, &c. p^{er} Sacramentum, &c. p^{ro}bo & legalium hominum de balliva mea qui Jurati & onerati super Sacramentum suum dicunt quod J. C. in brevi p^{re}dict' specificat' tempore captionis hujus Inquisitionis posseduat' existit de & in quibusdam bonis & catallis ut de bonis & catallis suis p^{ro}priis in quadam Scheda dicto brevi & huic Inquisitioni annex' specificat' Que quidem bona & catalla Jur' p^{re}dict' super Sacra-

Sacramentum suum appreciaber ad separa-
 ral denar Sumas super bona & catalla
 in dicta Scheda apposit' attingend in toto
 ad ducentas quadraginta septem libras
 duos solidi & quinq; denar' Et Jur' predict'
 dicunt ulterius super sacrament' suum
 quod pdict' J. C. die recognitionis debiti
 in brevi pdict' specificat' seu unquam postea
 null' habuit terras seu Tenement' nec dic-
 to die captionis hujus Inquisitionis ali-
 qua alia sive plur' habet bona seu catalla
 in balliva pzetat' Die ad noticiam eorum-
 dem Jur' que modo extend' appreciat' &
 in manus dicti Domini Regis nunc seisd'
 possint omnia que quidem bona & catalla in
 Scheda pzedict' mentonat' Ego pzetat'
 Die die captionis hujus Inquisitionis
 in manus dicti Domini Regis nunc cepi
 & seisd' feci pout per breve dicti Domini
 Regis mihi precipitur. In cujus, &c.
 Offic. Brev. 234.

J. W. Bar. Vic.

Inquisition'.

Inquisitio capt'
 sup' breve de die'
 clausit extremu'
 versus Johannem
 Chadwick de-
 funct' & seisin' de-
 bit' ejusd' Pasch.
 Anno 7. W. 3.
 London'.

Executio istius brevis patet in
 quadam Inquisitione huic
 brevi annex'.

Respons'.

Williel' Coles, Mil'

&

Johan' Sweetaple, Mil'

} Vic'.

London ff. Inquisitio Indentat'
 capt' apud Guildhald Civit' Lon-
 don

don (modo & forma ut antea mutatis
 mutandis) Qui jurat & onerat' ex-
 isten dicunt super dict' Sacram su-
 um quod Johannes Chadwick in
 dicto brevi nominat vicesimo 2 die
 Martii anno supradict' apud Low-
 house in Paroch de Rochdale in
 Com Lanc diem suum clausit ex-
 trem Ne qđ quidm Williel Moore
 de Lowthburp London Factor die
 Obitus pdict' Johann Chadwick
 indebitat' fuit pdict' Johann
 Chadwick in Summa 34 l. 11 s.
 bon & legalis monet' Anglie pro
 divers' bon mercimon & Mer-
 chand per pzetat Johannem Chad-
 wick in vita pdict' Johannis
 Chadwick pdict' Williel Moore
 vendit' & deliberat' que quidm
 sum 34 l. 11 s. adhuc reman insol-
 lut' Ne quod quidm Iosephus
 Brookesbank de Cateaton-street
 London Factor dco die Obitus
 pdict' Johann Chadwick vid
 debitat' fuit pdict' Johann Chad-
 wick in Sum 12 l. 19 s. bon &
 legalis monet' Anglie pro divers'
 bon mercimon & Merchand p
 pzetat' Johem Chadwick in vita
 pzetat' Johis Chadwick pdict' Jo-
 sepho Brookesbank vendit' & de-
 libat' que quidm Sum 12 l. 19 s.
 adhuc reman insolut' Quas qui-
 dm separat den Sum 34 l. 11 s.
 & 12. 19 s. sic ut pzetat' debet'
 Nos pzetat' Nic pd die capton
 hujus Inquisition Virtute brevis
 pdict' in Man diat Domini Re-
 gis

gis capi ac seird fecimus Ne Iur
 pdict' ulterius super dictum Sa-
 cram suum dicunt qd pdict'
 Johes Chadwick dicto die Obi-
 tus sui null' al' sive plur' habuit
 nec aliquis al' sive aliqui al' ha-
 buit sive habuer' ad usum pdict'
 Johis Chadwick aliqua al' sive
 plur' debet' credit' seu denar' sum-
 mas nec aliqua bon' Cata' seu
 specialitat' in manibus alicujus
 persone sive personar' aliquar' in
 ball' p'fat' Die nec 7 die Mar-
 tii ult' p'tir' in dco h'revi sp'icat'
 quo die dco dno Regi de debet' in
 dco h'revi menconat' primo debi-
 tor' devenit seu unqm' postea ali-
 quas habuit terras seu Ten'ta
 in balliva p'fat' Die ad notie
 eor'dem Iur' que modo appre-
 tiat' extendi seu in Man' dicti
 Dni Regis capi seu seird possunt
 In cujus rei Testimon' tam p'fe-
 fat' Die qm' Iur' pd' huic In-
 quisicon' sigill' sua apponi fece-
 runt die & ann' p'rim' supradicto.

Aliter secundum Dalton, 549.

Quidd' ff. Inquisico indentat' cap' apud
 M. in Com' pdict' (tali die & anno) co-
 ram me W. W. Bar' Die Com' pdict'
 Virtute h'revis Dni Regis de diem clausit
 extremum mihi direct' & huic Inquisiconi
 annex' per Sacram J. P. (Et.) p'horum
 & legalium homin' de ballia mea qui ones-
 rat' & jurat' existend' dicunt super Sacram
 suum

In Scacc.

Obiit scit.

Lease for
Years
found.

Value.

suum quod J. B. in brevi pdict' nomi-
nat' obiit apud H. in Com pdict' circa
tres menses jam ult' elaps' ante diem cap-
tōd hujus Inquisitōd & tempore mortis
sue scitus fuit in diūco suo ut de feodo de
& in uno Messuagio cum Area & pomar'
eidem spectand & pertinen' cum suis per-
tin' scituat' jacen' & existen' in Paroch'
de H. in Com pdict' modo vel nuper in
tenura sive Occupatōne cujusdam C. C. vel
als' suorum clari annui valoris in omni-
bus Erit' ultra rep'is 20s. Acetiam Jur'
pdict' super Sacramentū suum pdict' si-
militer dic' qd' pdict' J. B. possess' fuit
ut de bonis & catallis suis pp' de &
in una dimissione p' Termin' 13 annor'
tunc ventur' & inexistat' sibi p'lat' J. in
vita sua p' quendam P. H. per Indentur'
fact' & sigillat' de & in uno Messuagio
cum Areis gardin' & pomar' eidem spectand
& p'tin' scituat' & existen' in Paroch' de
H. pdict' nuper in Occupatōne p'fat'
J. B. vel Als' suorum & nunc in occupa-
tione C. B. vid' nup' ux' ejus vel Amig'nd
suorum ac una parcella sive clauso terr' cum
pertin' jacen' & existen' in pdict' Paroch'
de H. pdict' contēd p' estimatōnem Tres
Mer' sive plus sive minus dco Messuag' ult'
recitat' spectand sive p'tin' modo vel nuper
in Occupatōne p'fat' C. B. Vidue vel
Amig'nd suorum que quidem dimiss' pdict' Me-
suag' & p'miss' ult' recitat' & Termin'
Stat' & interesse de quibus idem J. B.
pdict' tee' mortis sue sic ut p'fert' possessio-
nat' fuit valent ad vendend' 10 l. legalis
monete Anglie ultra omnes reddit' & re-
p'is Et ulterius Jur' pdict' similiter di-
cunt super Sacrament' suum pdict' Quod
pdict'

p̄dict' J. B. res mortis sue possessionat'
 fuit ut de bonis catallis & utensil' (Anglice
 Household-stuff) cum pertin' particularit'
 menc' & exp̄ess' in inventoꝝ sive Sche-
 dul' indentat' & dco brevi huius Inquisi-
 toꝝ annex' ac per Jur' p̄dict' appreciat'
 ad separat' sumas & valor' in eodem In-
 ventoꝝ sive Scheda sicut spec' & que in ^{House-}
 toto atting' ad sumam 24 l. Que quidem ^{bold Goods}
 bona catalla & utensilia sunt jacen' & ex-
 isten' in & circa p̄d Mesuag' & Areas in
 H. p̄dict' in Occupatione p̄fat' E. B. Et in-
 super Jur' p̄dict' super Sacramentum suum
 p̄dict' similiter dic' quod quidm' C. de H.
 p̄dict' Grocer & S. S. de M. in dco Comd'
 Midd' Glucus p' Scriptum suum obl' ge- ^{An Obli-}
 ren' dat' ante diem mortis p̄dict' J. B. ^{gation}
 debener' obligat' p̄fat' J. B. in vita sua ^{found.}
 in summa 24 l. legalis monete Angl' solvend'
 p̄fat' J. B. ad certum diem jam p̄rit'
 Ac Jur' p̄dict' super Sacram' suum p̄dict'
 similiter dicunt Quod p̄d bona catalla u-
 tensilia ac Indentur' & scriptumobl' p̄e-
 menconat' post mortem p̄dict' J. B. ad ^{Ad manus}
 manus & possession' p̄fat' E. B. ux' ejus & ^{Exec' de-}
 Executric' debent & in manibus suis jam ^{ven.}
 existunt Que omnia & singula Mesuag'
 dimission' bona catalla utensilia & cetera
 p̄missa p̄menconat' cum pertin' unacum
 p̄d Indentur' script' Obligatoꝝ ac p̄dict'
 debet' 24 l. in eodem script' Obligatoꝝ
 menconat' Ego p̄fat' Vic dia' die captoꝝ
 huius Inquisition' in manus dci Dñi Re- ^{Seizure.}
 gis capi & leistri feci juxta exigenc' bre-
 vis p̄dict' ac put per idem breve mihi p̄e-
 cipit' Idemq' jur' p̄dict' sicut' die super
 Sacramentum suum p̄dict' qd' J. B. (ta-
 li die & anno) in brevi p̄dict' menconat'
 Quo

Null' al'
terr' five
bona, &c.

Quo die debitoꝝ dñs Dño Regi debent
seu nūq̄ postea nulla alia sive plur' ha-
buit terr' teñta sive Hereditament' in dñā
balliva mea neq̄ die quo obiit habuit aut
possessionat' fuit de aliquibus al' sive plur'
bonis catall' debit' Credit' seu specialitat'
in balliva mea ad noticiā Jur' p̄dia' seu
eorū alicujus que extendi aut appreciari
possunt In cujus rei, &c.

Mort' super Stat'.

Dñs Regi infra script' ad diem & lo-
cū infra content' certifico qđ infranomi-
nat' A. B. diem suum clausit extremū
ideo istud breve nullo modo exequi facere
potui. Offic. Brev. 215.

Retorn of an Extent out of the *Exchequer*,
against a Parson by the Archbishop of *York*,
(to whom the Writ was directed) that he did
deliver to the Plaintiff all his Lands and Tene-
ments Ecclesiastical; and that the Defendant
hath not any Goods and Chattels.

Baronibus infrascriptis certificamus
qđ nos Virtute brevis Dñi Regis Nobis
directa' & huic Schedule annex' leberari fec'
infrascript' C. terras & Tenementa Eccle-
siastica infranominat' A. C. Clici in Dio-
ces' nostra videlicet Rectoriā Ecclesie pa-
rochialis de B. cum pertinē in Com' p̄dia'
domū manōnalem ejusdē Rectorie (vocat'
the Parsonage-house) 15 Acres Terre Arabi-
lis Prati & Pasture vocat' Glebe-Lands ac
omnes decimas Oblaciones fructus pro-
ficua

ficua & comoditates quecunque ad rectori. In Scacc.
 am pdictam quoquo modo pertinent sive
 spectant de quibus pdicta R. pdicta die Res-
 cogniconis debiti pdicta seisit fuit in d'inco
 suo ut de feodo in jure Ecclesie sue pcedi
 per extent' racionabile videlicet per 10 l.
 per Ann in omnibus exitibus ult' repris
 tenend' ut liberum Tenementum suu sibi
 & Aliis suis juxta forma Statuti pdicta
 quousq' debitum, &c. levabit Et ulterius
 Certificamus qd pdicta R. nulla habet bo-
 na seu catalla nec aliqua al' sive plur'
 terras aut Tenementa Ecclesiastica in Di-
 ocesis' sua que ullo modo ad presens ex-
 tendi appreciari aut liberari potuer', &c.
 Hill. 44. El. Ro. 1211. Inter Micklethwaite &
 Dalson. Ebor'.

Inquisic'o devant Vic' sur brief de Prærogative
 pur un Chauntrie.

Teste Ed. Sanders Mil' apud Westm' ult' die
 Maii anno regni nostri decimo per Thes' &
 Baron'.

ff. Executio istius brevis patet in quas-
 dam Inquisitione huic brevi annex'.

W. C. Ar. Vic.

Hanc ff. Inquisicio indentat' capt' apud
 Deptford in Com pd' quinto die Julii
 anno regni Dñe Eliz' Dei gra Angl Scot'
 Franc & Hibnie Regine Fidei Defend, &c.
 10 cora me W. C. Ar' Dic Com pdicta
 Virtute brevis ipsius Dñe Regine nunc
 mihi direct' & huic Inquisitioni annex' per
 Sacram P. H. Gen W. C. (&c.) qui dicunt
 Super Sacra suum Qd manerium de P. cum
 suis

suis iuribus membris & pertind uniberfis
 in Com p̄dia' in h̄ebi huic Inquisicōni
 annex' spec ac 80 Acre Terre cum eoꝝ p̄
 tin in O. N. R. S. H. L. & C. in eo
 dem Com R. in eod̄ h̄ebi huic Inquisicō
 annex' similiter spec nuper Cantarie vocat'
 & nuncupat' Goldwells Chantrie in Ec-
 clia de Magna Chart' in Com p̄dia' ad
 altare sc̄e Trin in eadem Ecclesia p̄ Richm
 Goldwell Cleric' fundat' & erect' spectand
 & ptinen' valet per Ann' in omnibus Crit'
 suis ultra rep̄is' 4l. 6s. 8d. Et die eti-
 am Iur' p̄dia' super Sacram suum Qd
 Maner' p̄dia' & cetera omnia p̄missa cum
 ptin' spectant & pertinent p̄fat' Dñe Re-
 gine nunc ac concelat' substract' & injuste
 detent' fuer' a teo confectōn' Act' Parlia-
 menti p̄dia' tent' apud Westm̄ anno regni
 nuper Reḡ Ed̄i sexti p̄mo p̄o' Colleḡ
 Cantar Liberis Capellis & Possessionibus
 earūdm eidem nup̄ Regi Hered' & Successor
 suis dand' concedend' tent' edit' ac modo
 concelat' substract' & injuste detent' exi-
 stunt a p̄dia' Dña Regina nunc sed per
 quem aut quos Iur' p̄dia' penitus igno-
 rant In cuius rei Testimonium tam Ego
 p̄fat' Die qm̄ Iur' p̄dia' huic Inqui-
 sicōni sigill' nostra apposuimus Dat' die
 anno & loco p̄mo sup̄radia'. Vide Co.
 Ent. 438. b.

1 E. 6. ca.
 de Chaun-
 tries.

Fieri

Fieri fac.

Fi. fa. de bon'
& cat' Joh' Gud-
geon tempore
mortis sue in
man' Williemi
Packer remanen'
Administrand'.
Mich' 5 W. & M.
London'.

Infranominaat' Willus Packer
Null' habet bon' seu catale que su-
er' infranominaat' Johis Gudgeon
tempore mortis sue in manibus
suis Administrand' in balliva no-
stra unde inframentonat' quin-
quagint' lib' vel aliquando parcel'
fieri facere possumus sed diversa
bon' & cat' que fuer' pdia' Johan-
nis Gudgeon tempore mortis sue
ad valenc' pdia' quinquagint' li-
brar' ad manus pdia' Williel'
Packer post mortem pdia' Jo-
hannis Gudgeon administrand'
debener' Que quidem bon' & catale
pdia' Willmus Packer postea &
ante retorn' hujus brevis devast-
abit elongabit & in usum suum
prop' convertit.

Respons'.

Williel' Hedges, Mil'.

&

Thomaz Abney, Mil'.

} Vic'.

Fi fa. de Bo-
nis propriis pro-
pter' devastation'
bon' Johannis
Bolt defunct' de-
bor' Domini Re-
gis.
Mich. 7. W. 3.
Midd'.

Infranominaat' Maria Bolt vid'
nulla habet bon' seu catale sua
propria in balliva mea unde Sund'
sexagint' lib' inframentonat' aut
aliquam inde parcelle fieri seu le-
vari possum.

Respons'.

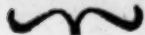
Edwardi Willis, Mil'.

&

Owen Buckingham, Mil'.

} Vic'.

Fieri



The New Retorna Brevium

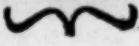
Fieri feci quandam Dimissionem, &c.

ff. Virtute, &c. Fieri feci de bonis & catallis J. H. infranominat' quandam dimissionem & concessionem eidem J. H. p quendam T. G. ex una parte & p'dia J. H. ex altera parte pro Termino 31 annor' incipiend' a primo die Jan' anno Regni Domini nostri Jac' infrascript' put per Indentur' ill' gerend' Dat' eidem die & anno plenius liquet & apparet de & in uno Messuag' sive firma cum p'tid' scituat' jacent' & existend' in V. in Paroch' de F. infra ballivam meam vocat' sive cognit' per nomen de B. simulcum omnibus & singulis terris pratis pascuis pascituris boscis subboscis aquis & pasturis cum omnibus suis pertinen' scituat' jacent' & existend' infra villam Paroch' & Campos de F. p'dia' & similiter in balliva mea Et p'dia' dimissionem ac omne & totum jus Stat' titulum term. annor' possessionem & demand' que p'ed' J. H. modo habet de & in p'dia' p'missis virtute sive vigore ejusdem dimissionis & concessionis aut aliter vindi'coni exposui & vendidi cuidam P. G. Gen' p' sum' 76 l. 13 s. 4 d. Ac etiam fieri feci de aliis bonis & catallis p'd' J. H. ad valenc' 65 l. 6 s. 8 d. Que quidem denar' sum' sic in forma p'ed'ia' per me levat' in toto se atting' ad 132 l. 12 s. & easdem sumas coram Dño Rege ad diem & locum infracontent' parat' habeo ad reddend' infrascript' C. P. & J. ur' ejus in part' satisfacionis dampn' infrascript' prout per breve istud mihi interius precipit' Et qd' J. H. nulla bona seu catalla in balliva mea habuit ut residuum p'dia' 165 l. 6 s. 2 d.

fieri

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95

Fieri seu lebare possum secundum Exigent In Scacc.
hujus hzevis. Kitch. 277. b. Wilk. Eng. 349. 

De Fieri fac' ubi null' additio datur aliis Def.

Baron infrascript' certifico qd sunt di-
verse persone in Com meo nomin & cog-
nomin de J. R. viz. J. R. de F. & J. R.
de A. que non continent' in isto hzevi Ita
qd de cujus J. R. &c. bonis & catallis
denar' infrascript' fieri facerem nescio ideo
ad Execution' istius hzevis pcedere non
potui. Vide Dalt. 304. Wilk. Lat. 154.

A. B. Ar' Vic'.

Baronibus, &c. certifico qd A. B. C. D.
&c. infrascript' nulla habent bona seu ca-
talla terr' seu tenementa infra balliam
meam unde separal' denar' sum super ip-
sos repcibe onerat' seu aliquem inde de-
nar' fieri facere possum nec sunt nec eor'
aliquis est invent' in eadem. Offic. Brev.
238.

Homag'.

Retorn' hzevis de respect' Homag al'
Distring' in Scaccario.

Manucapto A. B. } J. D.
R. R.

Erit' 20 s. or according to the Value of the
Land, more or less. Vide Dalt. 306. Wilk. Lat.
143.

A. B. Ar' Vic'.

Retorn'



The New Retorna Brevium.

Fieri feci quandam Dimissionem, &c.

ff. Virtute, &c. Fieri feci de bonis & catallis J. H. infranominat' quandam dimissionem & concessionem eidem J. H. p' quendam C. G. ex una parte & p'dict' J. H. ex altera parte p' Termino 31 annor' incipiend' a p'imo die Jan' anno Regni Domini nostri Jac' infrascript' put per Indentur' ill' gerend' Dat' eisdem die & anno plenius liquet & apparet de & in uno Messuag' sive Firma cum p'tin' scituat' jacend' & existend' in L. in Paroch de F. infra ballibam meam vocat' sive cognit' per nomen de B. simulcum omnibus & singulis terris p'atis pascuis pascituris boscis subboscis aquis & pasturis cum omnibus suis pertined' scituat' jacend' & existend' infra villam Paroch & Campos de F. p'dict' & similiter in balliba mea Et p'dict' dimissionem ac omne & totum jus Stat' titulum term' annor' possessionem & demand' que p'ed' J. H. modo habet de & in p'dict' p'remissis virtute sive vigore ejusdem dimissionis & concessionis aut aliter vindic'oni exposui & vendidi cuidam P. G. Gen' p' sum' 76 l. 13 s. 4 d. Ac etiam Fieri feci de aliis bonis & catallis p'dict' J. H. ad valenc' 65 l. 6 s. 8 d. Que quidem denar' sum' sic in forma p'edict' per me lesbat' in toto se atting' ad 132 l. 12 s. & easdem sumas coram Dño Rege ad diem & locum infracent' parat' habeo ad reddend' infrascript' C. P. & J. ux' ejus in part' satisfacionis dampn' infrascript' p'out per breve istud mihi interius p'cepit' Et qd' J. H. nulla bona seu catalla in balliba mea habuit ut residuum p'dict' 165 l. 6 s. 2 d.

Fieri

3

De Fieri fac' ubi null' additio datur aliis Def.

Baron infrascript' certifico qđ sunt di-
 verse persone in Com meo nomin & cog-
 nomin de J. R. viz. J. R. de F. & J. R.
 de A. que non continent' in isto hzebi Ita
 qđ de cujus J. R. &c. bonis & catallis
 denar' infrascript' fieri facerem nescio ideo
 ad Executionē istius hzebis p̄cedere non
 potui. Vide Dalt. 304. Wilk. Lat. 154.

A. B. Ar' Vic'.

Baronibus, &c. certifico qđ A. B. C. D.
&c. infrascript' nulla habent bona seu ca-
talla terr' seu tenementa infra balliam
meam unde separal' denar' sum' super ip-
sos repcibe onerat' seu aliquem inde de-
nar' fieri facere possum nec sunt nec eorū
aliquis est invent' in eadem. Offc. Brev.
238.

Homag'.

Retorn' hzebis de respect' Homag al'
Distring' in Scaccario.

Manucripto A. B. } J. D.
R. R.

Exit' 20 s. or according to the Value of the Land, more or less. **Vide** Dalt. 306. Wilk. Lat. 143.

A. B. Ar³ Vic³.

Return'

Retorn' brevis exeun' ex Offic' de le First Fruits.

ff. Baronibus infrascript' certifico qđ
J. B. in hoc brevi nominat' nec teđ deli-
beracionis mihi hujus brevis fuit nec ad
aliquod tempus hucusq; extitit nec ex-
istit Vicarius de C. in brevi illa spec' nec
est invent' in balliva mea. Offic. Brev. 238.

A. B. Ar' Vic.

Levari fa'.

Le' fa' exit'
terr' & ten' Hen'
Foxwell seit' su-
per breve de Ex-
tent'.

Pasch. 5 W. & M.
Somers'.

Virtute istius brevis mihi di-
rect' Levari feci de reddit' exit'
& profe' terrarū & ten'orū in isto
brevi menconat' sum' septdecē li-
brarū Quam quidem sum' septen-
decim librarū coram Barō infras-
cript' ad diem & locum infracon-
tent' ad usum Dñi Regis & Dñe
Regin' solven' parat' heo.

Warwic' Bampfild, Ar' Vic.

Le. fa. exit'
terr' & ten' Tho'
Gerrard seit' sup'
cap' utlagat' ads'
Jacobi Wain-
wright.

Mich. 21 Car. 2.
Lanc'.

Respons' Thome Ingram Mil' Canc'
Com' Palatin' Lanc' ad hoc breve.

Virtute istius brevis mihi di-
rect' p' breve Dñi Regis sub sigil-
lo Com' Palatin' pdict' debe con-
fect' Mandari feci Vic' ejusdem
Com' prout interius mihi preci-
pit' Qui quidem Vic' scilicet Tho-
mas Greenhalge Ar' mihi re-
spondet qđ Virtute brevis sibi di-
rect'

rect' de reddit' exit' & p^{re}sent' omniū & singularū Terrarū & tenentorum infrascript' infranominat' Thome Gerrard inde provenient' a die cap^{tu}onis eorundem in manus d^{omi}ni D^{omi}ni Regis videlicet a vicesimo quinto die Januarii anno regni d^{omi}ni D^{omi}ni Regis vicesimo usq^{ue} festū S^{an}cti Mich^{elis} tunc p^{ro}port' sequent' fieri colligi & levare fecit Summam nonagint' & unū librarum decem & octo solidorū undecim denar' & unius oboli p^{ro} rata temporis & juxta annual' valor' p^{re}missorum p^{re}dict' interius spec^{ie} Quam quidem summam nonagint' unū librarum decem & octo solidorum undecim denar' & unius Oboli coram Baron' infrascript' ad diem & locum infracent' parat' habet p^{ro}ut interius ei p^{re}cipiebat'.

per ipsum Cancellar'.

Lev. fa. exit'
Terr' & tenent'
Tho' Eyre seit'
per Commission'
sub magno sigill'
Angl' quia con-
veiat' & dat' pro
usibus illicitis &
superstitiosis.

Trin. 4. W. & M.
Derb.

Baronibus infrascript' certifica
q^{uo}d nulla sunt reddit' exit' aut p^{ro}-
sent' omniū & singularū Mesuag^{iorum} ter-
rarū tenentorum cum pertinen' in-
framenton' vel alicujus parcelle
inde provenient' crescent' sive renova-
ban' juxta separat' annual' valor'
inframenton' ac D^{omi}no Regi &
D^{omi}ne Regine nunc infranominat'
debit' aut debend' a die cap^{tu}onis
eorundem in manus nuper Regis
Caroli secundo usque ad festum
Annunciat^{ionis} b^{ea}t^e Mari^e virginis
ult' p^{re}terit' unde d^{omi}no nuper Regi
Carolo secundo aut nuper Regi

H

Jacobo

Jacobo secundo seu dictis Dñs
Regi & Dñe Regine nunc nondum
est respons' Que fieri colligi aut
Levari facere possum pꝛout inte-
rius mihi pꝛecipit'.

Nathaniel Curson. Bar' Vic'.

Le. fa. Exit'
ter' & ten' Williel'
Vavafor seit' vir-
tute brevis de
Extent' sup' Ob-
ligat'.

Mich. 4. W. & M.
Eborum.

Baronib' infrascript' ad diem
& locum infracontent' certifico qđ
virtute istius hꝛebis mihi direct'
fieri & levari feci ad usum Dñi
Regis & Dñe Regine de reddit'
exii' & pꝛofic' pꝛmissor' infrascript'
duodecim libꝝ & decem solidor'
parcell' debit' dñor' Dñi Regis &
Dñe Rñe ad Festum Scti Michis
Arch'i ulc' pꝛerit' debit' Et de-
nar' ill' coram Baron' infrascript'
ad diem & loc' infracontent' pa-
rat' habeo ad usum Dñi Regis &
Dñe Regine nunc ibidem solvend'
pꝛout interius mihi pꝛecipit'.

Johannes Gill, Ar' Vic'.

Le. fa. Exit'
Terr' & tenen'
Benjam' Mosse
Virtute brevis de
Extent'.

Pasch. 2 W. & M.
London'.

Virtute istius hꝛebis nob' di-
rect' de reddit' exii' & pꝛic' Mes-
suag' sive Tenement' in Tenur' in-
franominat' Marie Richardson ad
Festum Annunciacon' bte Marie
Virg' infrascript' debit' & inso-
lut' fieri colligi & levari fec' Sep-
temdecim libꝝ & decem solid'
legalis monet' Angl' Et de reddit'
exii' & pꝛofic' Mesuag' sive Tene-
ment' in Tenur' infranominat'
Franc' Willis ad pꝛefat' Festum
Annunciacon' bte Marie Virgi-
nis

nis debit' & insolut' fieri colligi
& levari fecimus duodecim Libras
& decem solid' & sis monet' quos
quidē denar' in toto se atting' ad
trigint' libz' coram Baron' infra-
script' ad diem & loc' infracontent'
ad usum Dñi Regis & Dñe Re-
gine infrascript' in satisfactōm
tant' debiti sui infra menconat'
solvend' parat' habemus put per
breve ill' interius nobis p̄eci-
pit'.

Respons'.
Fra' Child, Mil'. } Vic'.
&
Ed' Clarke, Mil'.

Aliter secundum Offic. Brev' 223.

Baronibus infrascript' ad diem & lo-
cum infracontent' certifico Qd virtute istius
brevis mihi direct' fieri & levari feci ad
usum Dñi Regis de reddit' Erit' & p̄fic'
premiss' Cent' libz' debit' dicto Dño Regi
ad festum annunc' bte M. Virg' ultra p̄ez-
terit' Et denar' ill' coram Baron' infra-
script' ad diem & locum infracontent' pa-
rat' habeo ad usum Dñi Regis nunc &
ibidem solvend' put' interius mihi p̄eci-
pit'. Vide antea Fieri fac'.

Non Omittas.

ff. Virtute, &c. cepi de terris & Censibus
M. R. ad valenc' 40 s. quos habeo coram Ba-
ronibus infrascript' ad diem & locum in-
fracon-

In Scacc'. fracontenti' put interius mihi p̄cepit' Et
 ~~~~~ ulterius Baron' infrascript' certifica qđ  
 p̄ed' W. nulla alia sive plur' Terras neq̄  
 teñta bona neq̄ catalla in balliva mea ha-  
 bet unde resid' debiti infrascript' fieri facere  
 possum p̄out istud b̄ve in se exigit & re-  
 quirir. Kitch. 278. b.

Retorn' brevis ad Proclam' Vic'ad reddend' Com-  
 pum' suum per Coronator'.

Virtute istius b̄veis nobis direct' Ba-  
 ron' infrascript' certificamus qđ in pleno  
 Com' C. infrascript' tenet' apud Castrum  
 C. in Com' C. p̄dia' 20 die Aug' anno, &c.  
 infrascript' accidia in pleno Com' p̄ed' apud  
 C. p̄dia' 18 die Sept' anno, &c. necnon  
 diversis vicibus postea in Com' p̄dia' Ar-  
 ticulatim Proclamari fecim' omnia & sin-  
 gula Articula que in isto b̄vebi continent'  
 & specificant' p̄out per b̄ve istud nobis  
 interius p̄cepit'. Wilk. Lat. 151. vide Dalt. 306.

J. W. }  
 W. R. } Coron'.

See Proclamations for several Persons to sur-  
 render to the Sheriffs, that the Sheriffs might  
 have them before the Justices, *Kitch.* 265.  
 Alit' pro Rege ubicunq; &c. *ibid.* simile  
*Wilk. Eng.* 316, 317.

Quis est Tenens.

¶ Infranoninat' W. B. & M. ux' ejus  
 sunt Tenend' tertie partis Maner' infra-  
 script' in tres partis divisi & C. A. M.  
 E. & J. B. filie C. D. defunct' sunt Tenend'  
 secunde partis Maner' infrascript' in tres  
 partes divisi Et alia tertia pars Manerii  
 infra-

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Toi

infraſcript' reman in manu Dñi Regis rone In Scacc'.  
minoris Etatis C. B. fil & hered pñia'

Manucapto? pñominat' W. B.  
& M. Ar' ejus.

J. D. R. R.

Kitch. 277. b. Wilk Eng. 347. Lat. 153.

Aliter.

Virtute iſtius brevis mihi direc' Ba-  
ron infraſcript' certifico qđ W. B. & M.  
ur' ejus ſunt tenen' tertie partis Manerii  
infraſcript' in tres partes dividend' Et C.  
A. M. C. & J. B. filie C. D. defunct' ſunt  
tenen' ſecund' Partis Manerii pñia' in tres  
Partes dividend' Et tertia pars Manerii  
pñia' reman in cuſtod' Dñi Regis rone  
minoris etat' D. D. fil & hered pñia' C. D.  
Vide Dalton, 303.

Manucapt' pñominat' W. B. & J. D.  
& M. ur' ejus. S. A. R.

A. B. Ar. Vic'.

Reſcous retorned upon a Writ of *Habeas corpus*  
*cum Cauſa* out of the *Exchequer*.

Virtute brevis Dñi Regis nunc mihi di-  
rect' & huic Schedule annexat' Ego Caro-  
lus Mountagu Ar' Vic' Com' Pat' Du-  
nelm' Baronib' de Scaccar' dñi Dñi Re-  
gis ad die & loc' in dco brevi content' Certi-  
fico qđ Richus Paſton (in eod' brevi no-  
minat') captus fuit tertio decimo die Maii  
ult' pñerito apud Paroch de Wearmouth  
Ep' in Com' Dunelm' pñia' p Richam  
H 3 Conpers



In Scacc.

Conpers Ar' tunc Dic Com pdia' (ac nu-  
 per in Officio illo Dic Com pzedia' defuna')  
 Virtute cuiusd' al' brevis Dñi Regis nunc  
 versus ipsum Ricum Paston (debit' mo-  
 do & forma emanat') eidemq; nuper Dic di-  
 rect' & deliberat' retornabil' coram Baron  
 pdia' hic (scilicet) apud Westm in Com  
 Midd' a die pasche in quindecim dies tunc  
 pror' sequend' ad respond' Gabzeli Heames  
 (in brevi illo list' nominat') debitori  
 dñi Dñi Regis de placito transg Quo min,  
 &c. Tenor & transcript' cujus quidem bre-  
 vis ult' mentonat' vob' pzetat' Baronibus  
 huic Schedule & brevi prius mentonat'  
 consut' mitto Ac superinde idem Ricus  
 Paston pro defctu sufficiend' Manuapt' p  
 comparentia sua super dem breve de  
 Quo min Prison' dicti Dñi Regis apud  
 Dunelm in Com Dunelm pdia' per pzet-  
 fat' nuper Dic (Salvo custodiri) adductus  
 & comissus fuit & ibidem in Prison' pdia'  
 (ex causa pdia') sub custod' ipsius nup  
 Dic usq; mortem ejusdem nup Dic (scili-  
 cet) vicesimū septimum die ejusd' mensis  
 marci detentus fuit Et postea idem corpus  
 dicti Richi paston sic capt' & in Prisona  
 pdia' (ex causa pd) existend' Ego pzetat' Caro-  
 lus Mountagu modo Dic Com Dunelm  
 pdia' (in adventu meo ad officiu illud) scili-  
 cet nono die Aprilis nunc ult' pterito in  
 prisona pzedia' detent' inveni Ac ulterius  
 Baronibus pdia' Certifico qd postea (scili-  
 cet decimo nono die Maii ult' pterit'  
 idem Ricus Paston (in Prisona pdia')  
 onerat' & detent' fuit Virtute cuiusdā bre-  
 vis libe pcepti de Capias ad respond' (ex-  
 tra quand' Cur antiquam Cibit' vocat' le  
 County Court) apud Dunelm infra Com Pat  
 Dunelm pdia' coram Dic Com pdia' (pro  
 tempore

tempore existen) de quinden in quinden  
 (a tempore cuius contrarii memo) homin  
 non existit tent' & hit') versus eund Nich  
 um Paston secundu cons' ejusdem Cur' p  
 totum tempus supradict' usitat' & appo  
 bat') debito modo emanat' & in scriptu  
 fact' geren' dat' apud D. p'dict' 10 die  
 Maii tunc instam retornabil' in eadem Cur'  
 apud D. p'dict' tenend' die lune vicesima  
 quarto die ejusdem mensis Maii ad re  
 spond' cuidam Ambrosio Crowley in placi  
 to debi centu & octo lib) Et ex causis p'dict'  
 idem corpus dñi Nichi Paston in prisona  
 Dñi Regis p'dict' detineri & Salvo custo  
 diri feci donec istud breve de Habeas cor  
 pus cum causa (mihi direct' & huic Sche  
 dule annexat') mihi deliberat' fuit (scilicet)  
 p'dicto decimo nono die maii ultim' prete  
 rit', Virtute cuius quidem brevis de Ha  
 beas corpus feci quoddam Warrantu men'  
 in scriptis (sigillo Officii mei Vic Com  
 p'dict' sigillat') geren' dat' apud Dunelm  
 p'dict' eod' decimo nono die maii ac War  
 rantu illud cuidam Robto Robinson (bal  
 libo meo jurat' & cognit' tunc & adhuc ex  
 isten') direxi & ad tunc & ibidem delibera  
 vi ad ducend' corpus prefat' Nichi Paston  
 (unacum causis p'dict' existen' causis cap  
 ton' & detencon' ejusdem Nichi Paston) co  
 ram Baronibus p'dict' ad diem & locum in  
 dño brevi de Habeas corpus specificat' se  
 cund' tenorem & exigentia istius brevis  
 ult' mencionat' Qui quidem Robertus Ro  
 binson ballibus meus antedñus virtute dñi  
 brevis & Warranti mei p'dict' postea (scilicet)  
 vicesimo quarto die Maii ult' preterit' cor  
 pus ejusdem Nichi Paston extra Prisona  
 p'dict' apud Dunelm p'dict' in Com' meo  
 H 4 p'dict'

In Scaec. p̄dia' (cum causis capton) & detentōm in-  
 de ut p̄dia') in custodiam suam recepit &  
 habuit ad faciendū cum ill' iux't' exigentiam  
 brevis de Habeas corpus p̄dia' necnon  
 idem ballibus meus virtute dñi brevis &  
 Warranti p̄dia' ipsum Richum Paston ex-  
 tra Com' meū p̄dia' versus Cur' hic (vide-  
 licet) usque Paroch, &c. in

Warda de, &c.

London

salvo  
 abduxit & cum coram Baronibus p̄edi ad  
 diem & locum in p̄dia' brevi de Habeas  
 corpus mencon ducere voluisset & conat'  
 esset ad fac' & rec' put breve illud in se  
 erigit & requir' super quo postea (scilicet)  
 eod' die retornd brevis de Habeas corpus  
 p̄dia' (videlicet) quarto die Junii anno  
 regni dñi Dñi Regis nunc, &c. apud  
 Paroch de, &c. p̄dia' in Warda, &c. p̄e-  
 dia' vñ quidam Johes Milward nuper de  
 Woozel in Com' Bucks' Clericus, &c. qui-  
 dam Johes Philips de London' Labourer,  
 Josephus Clarke de eadem Labourer, Mi-  
 chael Clarke de eadem Labourer & divers' al  
 Malefactores & pacis dia' Dñi Regis per-  
 turbatores (mihi & ballibo meo p̄dia')  
 tunc & adhuc ignot' p̄procuratōnem ejus-  
 dem Johis Milward Et idem Johes  
 Milward ac p̄fat' Johes Philips Jose-  
 phus Clarke Mich Clarke & al Malefac-  
 tores p̄dia' ignot' (per procuratōn' diai  
 Johis Milward) adtunc & ibidem in &  
 sup ballibum meū p̄dia' (in Dia regia ibi-  
 dem ducen' a Com' meo p̄dia' usq' Cur'  
 hic cum Prisonar' suo p̄dia' in Custodi  
 sua adtunc & ibidem existen') Vi & armis  
 (videlicet) gladiis & baculis rorose in-  
 sult' fecer' & ipsam ballibum verberaver'  
 vulneraver' & maletraxaver' ita quod de  
 vita ejus despabat' & p̄fat' Rich Paston  
 extra



extra custodiam meam (& ballibi mei an-  
tedi) contra voluntat' meam (& ballibi  
mei p'dict') Di & armis p'dict' adtunc &  
ibidem ceper' & rescusser' contra pacem d'ei  
Domini Regis nunc Et postea idem Mi-  
chus Paston non fuit nec est invent' in bal-  
liba mea aut alibi Quapropt' corpus  
ejusdem Michi Paston ad diem & lo-  
cum in p'dicto brevi content' habere non  
possum.

Carolus Montagu, Ar' Vic'.

Scire fac.

Scire fac' ver-  
sus A. B. & C.  
D. Scire feci Re-  
torn' superinde.  
Trin. 6 W. & M.  
London'.

Virtute istius brevis nob' di-  
recta per Ricum Hunt & Johem  
Monger probos & legales homi-  
nes de balliva nostra Scir' fecim'  
infranomina' Robto Baden sen'  
& Robto Baden jun' qd' sint co-  
ram Baron' de Scacc' Dom' Regis  
& Dne Regine infra script' ad diem  
& locum infra content' ad ostendend',  
&c. put interius nob' p'cipit'.

Respons'.

Williel' Hedges, Mil'.

&

Thomæ Abney, Mil'.

} Vic'.

Scire fac' ver-  
sus A.B. & C. D.  
Nihil retorn' su-  
perinde.  
Mich. 6 W. & M.  
London'.

Infranomina' Andreas & Wil-  
lus nihil habent nec eor' alter  
aliquid habet in balliva nostra  
ubi aut p' qd' eis seu eor' alteri  
scire facere possumus nec sunt in-  
vent'

vent' nec eorū alter est invent' in eadem.

Respons'.

Williel' Coles, Mil'.

&

Joh'is Sweetaple, Mil'.

} Vic'.

Scire fac' in  
Com' Palatin'  
Cestr' versus A.  
B. & C. D. Ni-  
chil Retorn'.  
Trin. 6 W. & M.  
Cestr'.

Respons' Prenobil' Williel' Comit'is  
Derb' Camerar' Com' Palatin'  
Cestr'.

Virtute istius brevis mihi di-  
rect' dedi in Mandatis per aliud  
breve sub sigill' Com' Palatin'  
p'dia' Die Civit' Cestr' infrascript'  
p'out interius mihi precipit' Qui  
quidem vic' scilicet Thomas Ward  
& Johannes Kinaston mihi re-  
sponder' qd' infranominat' Ricar-  
dus Walley nihil habet in bal-  
liba sua per qd' ei Scire facere  
possunt nec invent' est in eadem.

per ipsum Camerar'.

Sci' fac' vers.  
Executor' Ad-  
min' Occupator'  
& hered' & terr'  
ten' Petri Ridgeway.  
Mich. 6 W. & M.  
London'.

Virtute istius brevis nobis di-  
rect' per Georgiū Capstark & Ri-  
cūm Notales p'bos & legales ho-  
mines de balliva nostra Scire fe-  
cimus cuida Marie Ridgeway  
Occupato' bon' & catall' que fuer'  
infranominat' Petri Ridgeway  
tempore mortis sue qd' sit eorū  
Baron' de Scacc' Dñi Regis &  
Dñe Regine infrascript' ad diem  
& locum infra content' ad osten-  
dend', &c. put interius nobis pre-  
cipit' Ac ulterius certificamus  
quod

quod nulli sunt Executoꝝ Testd & ult' voluntat' p̄dia Petri Ridgeway nec aliqui sunt Administra- toꝝ nec aliqui alii Occupatoꝝ bon' seu catall' que fuer' ejusdem Petri Ridgeway tempore mortis sue nec aliqui sunt Hered' seu Te- nent' nec aliquis est heres seu te- nens terrarum & ten'tozum que fuer' ejusdem Petri Ridgeway die & anno quibus ipse Dño Regi & Dñe Regine de debito infra- script' de hoz debent' seu unqm post- ea hucusq; in balliva nostra quibus vel cui Scire facere possum.

Resp.

Williel' Coles, Mil',

&

Joh' Sweetaple, Mil'.

} Vic'.

Sci' fac' vers.  
Executores, &c.  
Mich. 6 W. & M.  
Lanc'.

Respons' Prenobil' Roberti Dni' Wil- lughby Baron' de Eresby Canc' Com' Palatin' Lanc' ad hoc breve.

Virtute istius brevis Dñi Re- gis & Dñe Regine mihi directa' & deliberat' per aliud breve dñozum Reg' & Regine sub sigill' Com' Palatin' p̄d' debite confect' man- dari feci Vic' Com' p̄dia' put in- terius mihi p̄cepit' Qui qui- dem Vic' scilicet Thom' Ashurst Armiger mihi respondet qđ Vir- tute brevis p̄dia' supramencionat' sibi directa' & deliberat' mihi certi- ficat qđ per Jacobum Barker & Georgium Upon p̄bos & legales homines de balliva sua Scire fe- cit



cit Robto Byers Radu Culbeth  
 & Ricd Arrowsmith Executors  
 Testd & ult' voluntat' infranomi-  
 nat' Thom Molpneur defunct' qd  
 sint coram Baron infrascript' ad  
 locum & diem infracontent' ad os-  
 tendend & proponend si quid p se  
 heant vel dicere sciant quare dñi  
 Rex & Regina Execucionem ver-  
 sus ipsos de bon & catall terr' &  
 ten pdict' Thome Molpneur p  
 mille & vigint' libd inframentos  
 nat' here non debeant prout sibi  
 precipit' Et ulterius mihi certifi-  
 cat qd nulli sunt Administrato-  
 res aut Occupatores bonor & ca-  
 tallor que fuerunt pdict' Tho-  
 me Molpneur tempore mortis sue  
 nec aliqui hered seu tenes ter-  
 rar aut tenor que fuerunt ejus-  
 dem Thom Molpneur undecimo  
 die Augusti anno regni dñor Re-  
 gis & Regine quinto infra men-  
 conat' in pdicta balliva sua per  
 qd eis Scire facere potest nec sunt  
 invent' (nec eor aliquis invent'  
 est) in pdicta balliva sua.

per ipsum Canc'.

Scire fac' vers.  
 Executores Joh'  
 Dm' Lovelace  
 super quo A. B.  
 Executor' Test'i  
 sui & C. D. Oc-  
 cupator' bono-

2

Virtute istius brevis nobis di-  
 rea' per Johem Barry & Johem  
 Monger probos & legales homi-  
 nes de balliva nostra Scire feci-  
 mus cuidam Johi Radford Ar-  
 miger' Executor' Testd & ult' vo-  
 lunt' infranominat' Johannis nu-  
 per

rum suorum re-  
tornat' fuer.  
Mich. 6 W. & M.  
London'.

per Dñd Lobelace Accciam Wil-  
liel Smith Armiger Occupatoꝝ  
bon & catale que fuer' ejusdem  
Johannis nuper Dñd Lobelace  
tempore mortis sue qđ sint coram  
Baron de Scacc Dñi Regis &  
Dñe Regine infrascript' ad diem  
& loc' intracotent' ad ostendend',  
sc. put interius nobis pꝛecipitur  
Ac ulterius certificamus quod  
unlli alii sunt Executoꝝ sive Oc-  
cupat' nec aliquis at est Execu-  
toꝝ sive Occupat' bon & catale que  
fuer' pꝛd' Johis nuper Dñd Lobel'  
tempore mortis sue nec aliqui  
sint Administratoꝝ nec aliquis est  
Administratoꝝ ejusdem nuper  
Dñd Lobelace nec aliqui sunt He-  
red' seu Tenent' nec aliquis est  
Heres seu tenens terrarum &  
tenetoꝝ que fuer' ejusdem Johan-  
nis nuper Dñd Lobelace undeci-  
mo die Julii anno regni dñi  
Domini Regis & Domine Regi-  
ne sexto infra script' quo die de  
debito infrascript' pꝛimo dñis  
Domina Regi & Domine Regine  
debitoꝝ inde debent seu unquam  
postea hucusque in balliva nostra  
quibus vel cui Scđ. facere pos-  
sumus.

Respon'.

Williel' Hedges, Mil'. }

&

Tho' Abney, Mil'. }

Vic'.

Respons'

Sci. fac' vers.  
A. B. nichil re-  
torn' superinde,  
Hill'. 6. W. & M.  
Lanc'.

Respons' Prenobil' Roberti Dni' Wil-  
lughby Baron' de Eresby Canc' Com'  
Palatin' Lanc' ad hoc breve.

Virtute istius brevis Dñi Re-  
gis mihi direct' & deliberat' per  
aliud breve dñi Dñi Regis sub si-  
gill' Com' Palatin' Lanc' pdia'  
debite confect' Mandari feci Vic'  
Com' Palatin' pdia' prout inte-  
rius mihi precipit' Qui quidem  
Vic' scilicet Ricardus Spencer  
Armig' mihi respondet qd Vir-  
tute brevis pdia' sup'mencionat'  
sibi direct' & deliberat' mihi Cer-  
tificat qd infranominat' Thomas  
Scele nihil habet in balliva sua  
per qd Scire facere potest nec est  
invent' in eadem.

per ipsum Canc'.

Sci. fac' vers.  
Executores, &c.  
General' Null'  
Retorn'.  
Hill. 6 W. & M.  
London.

Nul' sunt Executores, &c. nec ali-  
qui sunt Admator' vel Occupatores  
bon' & catall' que fuer' infranomi-  
nat' J. Tolliff tempore mortis  
sue nec aliquis est heres sive te-  
nens terrar' seu tenetorum que fu-  
er' p'd J. Tolliff 20 die Martii  
in breve infrascript' mencionat'  
seu unquam postea in balliva no-  
stra quibus vel cui Scir' facere  
possumus nec sunt invent' nec eo-  
rum aliquis est invent' in balliva  
nostra.

Respon'.

Williel' Coles, Mil'.

&

Joh'is Sweetaple, Mil'.

Vic'.

Virtute



# The New Retorna Brevium.

III

Sci' fac' verf.  
Executor' &c.  
Sci' fec' Execut'  
Retorn' superin-  
de.  
Mich. 7 W. 3.  
London'.

Virtute istius brevis nobis di-  
recta per Henr' Lee & Georg' Jack-  
son ppos & legales homines de  
balliva nostra Scir' fecimus Ra-  
than' Tilson & Jonathan John-  
son Executores Testis ult' voluntat'  
infranominat' Roberti Squibb  
Iud' quod sint coram Baron de  
Scace Dni Regis infrascript' ad  
diem & locum infra content' ad  
ostendend', &c. put interius no-  
bis precipit'.

Respons'.

Owen Buckingham, Mil'.  
&  
Edwardi Wills, Mil'. } Vic'.

Sci' fac' verf.  
Executor', &c.  
Super quo heres  
& tenens terr' &  
ten' necnon Oc-  
cupator' bon' &  
catal' Retorn'  
exist'.

Mich. 7 W. 3.  
Cestr'.

Respons' Prenobil' Williel' Comit'  
Derb' Camerar' Com' Palatin' Cestr'  
infrascript'.

Virtute istius brevis mihi di-  
recta dedi in mandat' per al' bre-  
ve sub sigillo Com' Palatin' Cestr'  
Dic ejusdem Com' prout interius  
mihi precipit' Qui quidem Dic  
scilicet Ricardus Legh Ar' mihi  
respondet qd per Johem Legh  
Sen & Daniel' Cartwright ppos  
& legales homines de balliva sua  
Scir' fecit Willm Dumbil Ar'  
fratri & hered' etiamq; tenend' ter-  
rarum & ten'orum que fuer' in-  
franominat' Edwardi defuncti nec  
non Occupatores bonorum & ca-  
tal' ipsius qd sint coram Baron de  
Scace

## The New Retorna Brevium.

Scac Domini Regis infrascript'  
a die S<sup>c</sup>i Michis in un<sup>o</sup> mensem  
ad ostendend<sup>u</sup> & pponend<sup>u</sup> si quid  
pro se habeat aut dicere sciat quare  
pro causis in brevi infrascript'  
D<sup>n</sup>us Rex Execucion<sup>em</sup> versus ip-  
sum p<sup>r</sup>fat' Willm Dumbill de bono  
& catal<sup>is</sup> terr' & ten<sup>entia</sup> p<sup>r</sup>di que nup  
fuer' p<sup>r</sup>fat' modo defunct' p<sup>r</sup> infras-  
cript' 27 l. 5s 2d. habere non de-  
bet put interi<sup>us</sup> p<sup>r</sup>cipit'.

per ipsum Camer'.

Respon. prenobil. Rob. Dni. Willughby  
Canc. Com' palatin. Lanc. ad hoc  
bre'.

Scire fac'  
Hill. 5 W. & M.  
Lanc'.

Virtute istius brevis mihi di-  
rect' per al' breve Domini Regis  
& D<sup>n</sup>e Regine sub sigill' Com<sup>itis</sup>  
palatin<sup>is</sup> infrascript' ac Dic<sup>te</sup> ejusd<sup>em</sup>  
Com<sup>itis</sup> direct' Mandari feci. eidem  
Dic<sup>te</sup> put interi<sup>us</sup> mihi precipi'  
Qui quidem Dic<sup>te</sup> scilicet Thomas  
Ashurst Ac' mihi respondet quod  
Virtute brevis p<sup>r</sup>dicta' sibi direct'  
per Thomam Holme & Rob<sup>ertum</sup>  
Carles p<sup>r</sup>bos & legales homines  
de balliva sua Scire fecit infra-  
nominat' Johi Hodgson qd sit  
coram Baron<sup>ibus</sup> infrascript' ad di-  
em & locum infracontent' ad os-  
tendend<sup>u</sup> & pponend<sup>u</sup> si quid p<sup>r</sup> se  
habet vel dicere sciat quare iidem  
Rex & Regina Execucionem versus  
eum de debito infracontent' habere  
non debent ac eti<sup>am</sup> quod infrano-  
minat'

minat' Henricus Inman nihil ha-  
bet in balliva sua p qđ ei Scire  
facere potest nec est invent' in  
eadem necnon qđ infranominat'  
Petrus ante emanatōnem brevis  
pdia' mortuus fuit ideo eide Pe-  
tro Scir' fac' non potuit.

per ipsum Canc'.

Sci' fac. verf.  
Executor', &c.  
General' Null'  
Retorn'.  
Hill. 3 W. & M.

Nulli sunt heredes vel tenend'  
nec aliquis est heres vel tenens  
aliquarum terrarum vel ten'ozum  
que fuer' infranominat' Timo-  
thei Platt & Samuel' Platt seu  
eorum alterius Nec ulli sunt Exe-  
cutores nec aliquis est Executor  
Testid' & ult' voluntat' eorundem  
Timothei & Samuel' seu eorum  
alterius nec ulli sunt Adminis-  
tratores seu Occupatores nec ali-  
quis est Administrator seu Occu-  
patoz aliquorum bonorum seu ca-  
tallozum que fuer' eorundem Ti-  
mothei & Samuelis seu eorum al-  
terius tempore mortis sue in bal-  
liva mea cui aut quibus Scire  
facere possum.

Tho. Wynne, Ar' Vic.

ff. Virtute, &c. Scire fecit J. F. infra-  
nominat' quod sit coram Baronibus in-  
frascript' ad diem & locum infracent'  
per J. C. & R. S. p'bos & legales homi-  
nes de balliva mea put interius mihi  
pcipit'. Kitch. 278.b. Dalt. 305, Wilk. Eng.  
351.





## The New Retorna Brevium.

Aliter versus Executor.

**N.** Nulli sunt Executor de E. infrascript neq Administrator bonorum & catallozum que fuer' ejuldem E. neq heredi neq tenendi terrarum & tenitorum que sua fuer' in balliva mea quibus aliquo modo Scire facere possum. Kitch. ibid. Dalt. ibid. Wilk. Eng. 351.

Aliter against an Executor, &amp;c.

**N.** Baronibus infrascript certifico quod non sunt aliqui Executors nec aliquis Executor Testamenti seu ult' voluntat' infranominat' T. B. defuncta' nec Administratores nec Occupat' bono & catallo que fuerunt predicti T. B. neq Heredes seu Tenentes terrar' aut Tenementor' que fuerunt predicti T. B. in balliva mea quibus vel cui ullo modo Scire facere potui prout istud breve in se exigit & requirit. Vide Offic. Brev. 230.

L. M. Mil' Vic'.

Aliter.

**N.** J. D. & ceteri Def. infranominat' nihil habent in balliva mea per quod eis Scire facere possum. Kitch. ibid. Dalt. ibid. Wilk. Eng. 352.

It is there noted in *Dalton*, that the Summons of the *Exchequer* is a *Scire facias*.

Aliter.

Aliter.

Baron', &c. Certifico quod A. B. & ceteri infranominat' nihil habent nec eorum aliquis habet in balliva mea p quos eis Scire facere possum nec sunt inventi in balliva mea. Offic. Brev. 238.

C. D. Ar. Vic'.

Retorn' brevis Collect' 15 &amp; 10 intra Scacc'.

Virtute brevis mihi directa' Scire fec' infranominat' A. B. ac etiam que ex parte Dñi Regis fuerunt dedi in mandat' quod p'dia' A. B. circa lebaconem & collectionem sexte quintedecime & decime sex' integrar' quintedecimar' & decimar' infra scripti' ac obligac' secund' formam Stat' infra scripti' A. B. ostendi feci ipsum ex parte Dñi Regis sigilland' & ut factum sum ad usum ejusdem Dñi Regis deliband' scilicet dedi in Mandat' sed p'dia' A. B. omnino eand' sigillare vel circa Collect' p'dia' intendere recusabit & adhuc recusat in contempt' dñi Dñi Regis Ideo eand' Obligaconem ad diem & locum infra content' habere non possum put interius mihi precipit' Et ulterius certifico quod Scire fec' infranominat' C. D. quod ipse circa lebaconem & Collectionem dia' sexte Quintedecime & decime p'de sex integrar' quintar' decimar' infra scripti' diligenter intendat Et Obligaconem secund' formam Statut' infra scripti' ab eodem C. recepi Et eand' in Scacc' dñi Dñi Regis ad diem infra content' certifico put interius mihi precipit'. Vide Dalt. 305. Wilk. Lat. 142.

A. B. Ar. Vic'.

I 2

Virtute

Scire facias.  
Pasch. 2 W. & M.  
Dunelm'.

Virtute istius brevis mihi directa' Mand' Carolo Mountague Armig' Dic' Dunelm' quod breve istud in omnibus rite exequat' qui mihi respond' quod per Robertum Pattison & Johem Racerphos & legales homines de balliva sua Scire fecit infranominat' Thome Watson & Petrum Marley quod sint coram Baro' infraspiciat' ad ostendend' si quid p se heant vel dicere sciant quare infranominat' Dñs Rex & Domina Regina Execucionem versus eos p debito infraspiciat' here non debent put interius sibi precipit' Et infranominat' Johannes Willkison nihil het in balliva sua per quod ei Scire facere potest put interius sibi precipit'.

Respons'.

N. Ep. Dunelm'.

Scire facias.  
Pasch. 2 W. & M.  
Dunelm'.

Virtute istius brevis mihi directa' Mand' Carolo Mountagu Ar' Dic' Dunelm' quod breve istud in omnibus rite exequat' qui mihi respond' quod infranominat' Robertus Minnett Willus Hindmarsh & Johannes Bulman nihil hent in balliva sua neque eor' aliquis aliquod habet in eadem per quod eis Scire facere potest put interius sibi precipit'.

Respons'.

N. Ep. Dunelm'.

Virtute



Scire fac' verf.  
Executores, &c.  
Super quo tenen'  
terrarum & te-  
nentor' retorn'  
exist'.  
Mich. 2 Jac. 2.  
Bucks.

Virtute istius brevis mihi di-  
rect' per Iohem Batchelloz Sen  
& Henr' Mundap vobis & legales  
homines de balliva mea Scire  
feci Edmō Scawen Ar' Centi Ma-  
ner' de Hoxton in Com' Bucks' in-  
frascript' cū pertiū & unius ca-  
pitalis Mesuag' triū Horeorum  
triū Gardinorum & triū pomar'  
& decem acrarum terre cū pertiū  
in Hoxton pdia' in Occupaōne ip-  
sius Edmō ppoz' necnon unius  
Mesuag' Cent' & vigint' acrarum  
terre decem acrarum pziati & decem  
acrarum pastur' cum ptiū in Hox-  
ton pdi in Occupaōne Samueļ  
Botwz ac duodecim acrarum pzi-  
ti cū pertiū in Hoxton pdia' in Oc-  
cupaōne Willi Verne (Que quis-  
dm Maner' terre & tenta cum ptiū  
fuer' Maner' terre & ten' infrano-  
minat Roberti Scawen de quibus  
idem Robtus tempore quo primo  
debito? Dñs Carolo secundo nu-  
per Regi Anglie de debite infra-  
mentōnat' debent scilicet decimū  
nono die Marcii anno regni ejus-  
dem nuper Regis decimo nono in-  
frascript' scitus fuit in d'nico suo  
ut de feodo) quod sit corā Baron'  
de Scēio Dñi Regis nunc infra-  
script' ad diem & locum infracon-  
tent' ad ostendendū & pponendū put  
istud breve in se erigit & requirit  
Et ulterius Certifico quod nulli  
sunt Executores nec est aliquis  
Executor Testis & uli' voluntat'  
prefat' Robti Scawen neq' sunt  
aliqui

aliqui Administratores vel Occupatores bonorum seu catallorum que fuer' dicti Roberi in balliva mea cui vel quibus Scire facere possum prout interius mihi precipit.

E. L. Ar'. Vic'.

Retorn of a Writ of Summons before the Justices of the Forest.

Virtute istius brevis mihi direct' Sum feci Archiepos Ep'os Duces Comit' Baron' & omnes al' liberos Tenen' qui terr' & Tenement' hent infra metas foreste Dñi Regis infrascript' in Com' meo & quatuor homin' & pposit' de quolibet Villac' infra metas ejusdem foreste Ac etiam 12 probos & legales homines de quolibet Burgo infra metas dict' foreste tenen' qui venire debuer' & solebant quod sint coram Justic' infrascript' ad diem & locum infracontent' prout interius mihi precipit' Publice etiam Proclamar' feci per tota ballivam meam tam in Burgis qm in aliis vile Ac in feriis Mercat' & al' locis publicis quod omnes illi qui p Cartam Dñi Regis nunc aut Antecessor' vel pgenitor' suorum aut aliquo alio modo aliquas libertates seu Franchises teneant aut Librat' here clam & Quo Warrant' Qd sint coram dñis Justic' ad diem & locum pdict' Proclm' eciam feci Qd omnes Attach' p Vert' aut venatione in Foresta p'd post uli' Plit' foreste p'dict' rent' & eorum pleg' & Manucapt' qui fuer' diem per manucaption' p'dict' Essend' coram p'fat' Justic' ad stand' rea' & ad faciend'

ea que secundum Legem foreste facere debent. In Scacc.

Residuum Execution' istius brevis patet in quibusdam Pannell' huic brevi annex'.

A. B. Ar. Vic'.

A. B. de C. Gen. &c. and so 24 for the Grand Jury, and 12 for the Petty Jury. Vide Dalt. 305. Crompt. de Cur. 150. Wilk. Lat. 150.

Note, In Kitch. 275. This Summons is placed amongst the Process in Chancery.

Retorn' Superfed', &c. Quando aliquis ostend' Vic' Tall' sua.

Virtute istius brevis mihi direct' Baron infrascript' certifico Quod firmat' infranominat' post receptionem hujus brevis mihi ostend' Tall' sua de solutione Firma sua interius spec' Ob quod prefari eis diem essend' coram Baron infrascript' ad faciend' & recipiend' sup tallia pdicta juxta tenorem hujus brevis Et ideo levaco sum interius spec' Superfed' put interius mihi precipit'. Vide Dalt. 306. Wilk. Lat. 151.

A. B. Ar. Vic'.

Retorn' de Venire facias extra Scaccarium : Which seems to be against Officers of the Crown or the Exchequer, and is in the Nature of a Summons, as by Dalton. Offic. Vic. 303.

Infranominat' A. B. nichil habet in balliva mea per quod potest Attachiari vel ubi eum sum possum.

I 4

Aliter.



Aliter ubi est sufficiens.

Infranominat' A. B. Attach est? J. F.  
 per Pleg, viz. S. A. D.  
 A. B. Ar' Vi'.

Exit' eorū Dm̄ Marci.

And if the Words necnon ad ostendum be in the Writ tunc in quobis 20 s. And if the Defendant be a Count or Countess then thus:

Infranominat' A. A. nichil habet in terr' Tenement' & Hereditament' infrascript' per quod ipm̄ Distringere possum put interius mihi p̄cipit'. Vide antea Distringas; vide Kitch. 277. b. & Wilk. Eng. 348. Lat. 154.

Venire fac'.

Venire fac'  
 Mjdd'.

Executio istius brevis patet in quodam Pannello huic brevi annex'.

Respons'.

Thomaz Abney, Mil'.

&amp;

Williel' Hedges, Mil'.

Vic'.

Mjdd' ff. Poia Jur' inter Dominū Regem & Dominā Reginam  
 Hozin-Gold de certis Articulis  
 Lunde, &c.

Vendicon' exponas.  
 Mich. 6 W. & M.  
 London'.

Virtute istius brevis nob̄ direct'  
 decimo Novemb' anno regni  
 Dñi Regis & Dñe Regine infrascript'

script' seruo omnia & singula bon'  
& catall' in Schedul' huic brevi  
auner' mencionat' p' sum' quin-  
gent' & sexagint' librar' & un'  
solid' legalis monet' Angl' cui-  
dam Oliver' Andrews vendi feci-  
mus & pro charior' pretio eadem  
bon' & catall' vendere non potui-  
mus Quos quidam denar' coram  
Baronibus de Scio dei Dni Re-  
gis & dñe Dñe Regine ad diem &  
locum infrascript' ad usum dñi  
rum Domini Regis & Domine  
Regine solvend' tunc & ibid' pa-  
rat' hemus put istud breve in se  
exigit & requirit.

Respons'.

Williel' Coles, Ar'.

&

Joh'es Sweetable, Ar'.

} Vic'.

Vendicon' ex-  
pon'.

Pasch. 6 W. & M.  
Devon'.

Virtute istius brevis mihi di-  
rect' Baron' infrascript' certifico  
quod Virtute h'is p'dia' vendidi  
p'fat' viginti & un' fasces panni  
lanei Anglice Serges parcelle bono-  
rum & catallorum in brevi p'dia'  
mencionat' cuidam Arthuro Jaffe-  
rp' p' sum' sexcent' lib' legalis  
monet' Anglie quam quidam sum'  
sexcent' lib' parat' habeo coram  
Baron' infrascript' ad diem & lo-  
cum infrascript' ad usum dñi  
Domini Regis & Domine Regine  
put interius mihi p'cepit' Et p'ce-  
fat' Baron' ulterius certifico quod  
omnia p'di' al' bona & catalla re-  
s' bon' & catall' in brevi p'dia'  
speci-

specificat' in man' meis adhuc re-  
man' pro defectu emptorum & ideo  
breve pdict' ulterius exequi non  
potui.

Ch'rus Savery, Ar. Vic.

Vendicon' ex-  
pon' bon' catall'.  
Mich. 5 W. & M.  
Lanc'.

Respons. Prenobil. Roberti Dom. Wil-  
lughby Baron. de Eresby Canc. Com.  
Palatin. Lanc' ad hoc breve.

Virtute istius h'is Dñi Regis  
& Dñe Regine mihi direct' & deli-  
berat' p aliud bre dictorum Regis  
& Regine sub sigill' Com Palat-  
in Lanc' pd debit' confect' Man-  
dari feci Die Com palatin' pdict'  
prout interius mihi precipit' Qui  
quidem Die scilicet Thomas Hig-  
by Ar' mihi respondet quod Vir-  
tute brevis pdict' sup'mencionat'  
sibi direct' & delibat' mihi certifi-  
cat quod omnia & singula bon' &  
catall' in Separat' Schedul' huic  
brebi annex' specificat' vendidit  
pro sum' Mille Trescentarum &  
duodecim librar' Novemdecim so-  
lidor' & undecim denariozum ex-  
istenc' chariori precio pro quo illa  
vendere potuit Quam quidem sum'  
Mille Trescentarum & duodecim  
librarum novemdecim solidorum  
& undecim denariozum parat' ha-  
bet coram Baron' infrascript' ad  
locum & diem infracentent' ad u-  
sum dictorum Domini Regis &  
Domine Regine infrascript' sol-  
vend' prout sibi & interius mihi  
precipit'.

per ipsum Canc'.

Respons.



Vendicon. ex-  
pon' Term. An-  
norum.

Pasch. 7 W. 3.

Lanc.

Respons. Prenobil. Roberti Dni' Wil-  
lughby de Eresby Canc. Com. Pa-  
latin. ad hoc breve.

Virtute istius brevis Domini  
Regis mihi directa' & deliberat'  
per aliud breve Domini Regis  
sub sigillo Com Palatin p'ced de-  
be confect' Mandari feci Dic Com  
Lanc p'cedit' p'out interius mi-  
hi p'cepit' Qui quidem Dic scili-  
cet Ricus Spencer Ar' mihi re-  
spondet quod Virtute brevis p-  
dia' supramentionat' sibi directa'  
& deliberat' mihi certificat quod  
infranominat' C. Righby Armig  
nuper Dic Com Palatin infra-  
script' separat' Termin' Annozum  
in brevi p'dia' specificat' vendidit  
cuidam Johanni Bradford Gen  
pro sum Crescentarum librazum  
legalis monet' Angl' in brevi  
p'dia' mentionat' existend' chariori  
precio pro quo ille vendere potuit  
Quam quidem sum Crescentarum  
librazum parat' heo coram Baro-  
nib' infrascript' ad diu & locum  
infrascript' ad usum d'ni Domini  
Regis infrascript' solvend' p'out  
interius mihi p'cepit' & breve p-  
dia' exigit & requirit.

per ipsum Canc'.

Respons.

Vendicon. ex-  
pon' bonor', &c.  
Mich. 4 W. & M.  
Lanc'

Omnia bona  
vend. Preter duas  
pecias, &c.

Respons. Prenobil' Roberti Domini  
Willughby Baron. de Eresby Canc.  
Com. Palatin. Lanc. ad hoc breve.

Virtute istius brevis Dñi Re-  
gis & Dñe Regine mihi direct'  
& deliberat' p aliud bre diaorum  
Regis & Regine sub sigill Com  
Palatin pō de he confect' Mandari  
feci Dic Com p dia' put interius  
mihi precipit' Qui quidem Dic  
scit Franc Lindley Armig mihi  
respondet quod Virtute brevis  
pred supmentonat' sibi direct' &  
deliberat' omnia & singula bon'  
& cata in Schedul huic brevi  
anner' specificat' vendidit preter  
duas pecias de Kersey ad valene-  
seragint' solidorum in manibus  
Samuelis Cocks de Manchester  
& duas al pecias de Kersey ad va-  
lenciam seragint' solidorum in ma-  
nibus Ric'i Seddon de Manchester  
pred in eadem Scheda mencon-  
nat') pro sum Ducentarum nona-  
gint' & Oco librarum quatuor-  
decim Solidorum & unius oboli ex-  
isten' ehariorz precio pro quo illa  
vendere potuit qua quidem sum  
Ducentarum nonagint' & Oco libra-  
rum quatuordecim solidorum &  
unius oboli parat' habet coram  
Baronibus infrascript' ad diem &  
locum infracentent' ad usum dñor  
Regis & Regine infrascript' solu-  
pend

vendit p̄out sibi p̄cipit' Et ulterius mihi certificat quod p̄dicta separat' pecie de Hersep in Manibus p̄fat' Samuelis & Rici in manibus eorū remanent & non sunt vendit'.

per ipsum Canc'.

Aliter & bon' invendit'.

¶ Virtute brevis mihi directa de die in diem venditioni exposui illa bona & catalla ad valent' 100 s. resid' de 81. que nuper fuer' de bonis & catallis terris & tenentis C. f. infranominat' & inde vendidi ad valent' 40 s. quos quidem 40 s. parat' habeo ad diem & locum infracontent' put' interius mihi p̄cipit' tunc ibidem solvend' Et residuum bonorum & catallorum p̄dicta adhuc penes me remanent invendit' p̄o defectu emptorum sed venditioni exponam de die in diem & quando vendi contiger' denar' inde p̄obediend' coram Baron' infrascripti habeam secundum formā & effectum hujus brevis. Kitch. 278. Wilk. Lat. 154. Wilk. Eng. 350. & Dalton 304. Et ibid' Dalton ut supra usque p̄ defectu emptorum, and adds no more.

Aliter.

¶ Illa bona ad valent' 20 marcarum infrascript' que virtute brevis Dñi Regis nunc nup' mihi directa cepi de bonis & catallis terris & Tenement' que nup' fuer' C. f. infranominat' venditioni exposui & vendidi



In Scacc. **W**endidi & denar' illos coram Baron' infra-  
script' ad diem & locum infracontent'  
parat' habeo put' interius mihi p'cepit'.  
Kitch. 278. b. Wilk. Eng. 351. & Lat. Dalt.  
305.

Aliter de Ovibus in manibus nuper Vic'.

Baron' infra-script' certifico Qd' ille Cen-  
tū obes in hoc brebe spec' venditioni ex-  
ponere non potui eo qd' adhuc remanent in  
manus infranominat' A. R. nup' Die  
Comd' C. & nunqmd' mihi p'fat' nunc Die  
adhuc p' p'fat' nup' Die deliber' fuer'. Vide  
Dalt. 305. Wilk. Lat. 154.

Et Fitz. Process 99. Br. Ret. 15. Die re-  
tornd' qd' bona non fuer' capta per ipsum  
nunc Die sed p' quendam C. nup' Die p'p-  
decessor', &c. Ideo bona illa vendicōni ex-  
ponere non potui. Dalton 305.

Nondum inveni emptores.

Virtute, &c. Baron' infra-script' certifi-  
co quod 10 die A. &c. cepi de bonis & ca-  
tallis terris & Centis infranominat' W.  
ad valorē, &c. Et de bonis & catallis  
terrīs & Centis J. D. &c. ad valorē,  
&c. Et ille vendicōni exposui ad que non-  
dum inveni emptores Et ideo denarios,  
&c. Id. Dalton.

Mortui sunt.

A. B. & C. D. infranominat' mortui  
fuer' diu ante emanacionem hujus brevis  
nec aliqua fuer' bona seu catalla terras  
seu

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seu *Tenta* in balliba mea que extendi & Ban.Reg.  
appreciari possum put p breve istud interi-  
us mihi precipit'. Dalton 305. Kitch. 278. b.  
Wilk. Eng. 351.

Nihil fact' propter temporis brevitatem.

Infranomina't' A. B. & C. D. mortui  
sunt, Et quoad resid' Executo'n' nihil per  
me actum nihil est propter Temporis bre-  
vitatē. Vide Dalt. 305. Kitch. 278. Wilk.  
351.

## Retorn' Brevium ad Cur' de Ban- co Regis & de Communi Banco.

The Form of an Indenture for setting over Pri-  
soners, and Writs between two Sheriffs.

**T**his Indenture, &c. between R. S. Esq;  
late Sheriff of the County of C. of the  
one part, and A. B. Kt. now Sheriff of the said  
County, of the other part, Witnesseth, That  
the said R. S. by Virtue of her Majesty's Writ  
of Discharge of his late Office to him directed,  
Hath delivered and set over unto the said A. B.  
these Writs following, that is to say, *A. Capias*  
*versus W. F. Retorn' Octab' Hillarii ad festam*  
*J. S. (&c.)* together with the Bodies of J. N.  
in Execution at the Suit of G. H. for a Debt of  
22 l. and J. H. at the Suit of C. D. in Execu-  
tion for 10 l. and R. G. in Execution, as well at  
the Suit of J. D. for a Debt of 100 l. as also  
at the Suit of N. W. for a Debt of 40 l. (&c.)  
In witness &c.

Note,

Ban. Reg.

*Note*, All the Writs which are set over in the Indenture between the Sheriffs, if they have been executed by the old Sheriff, must be retorn'd by him, or in his Name, or indorsed or subscribed by the new Sheriff thus:

*Illud breve prout indorsatur mihi deliberatum fuit p R. S. Ar' nup Dic pr' predecessoꝝ meum in ejus exit' ab Officio suo.*

A. B. Mil. Vic.

See *Dalton's Offic. Vic.* last pub. fo. 18. and see *Compleat Sheriff*, fo. 24.. See also *Wilkinson* of the Office of a Sheriff fo. 59. and *Greenwood*, revived, fo. 175.

The Retorn of a Writ where the Sheriff dieth after Execution thereof, and so returned *prout indorsat'* by the present Sheriff.

*Iustic' infrascript' certifico quod post Executionem istius brevis & ante retorn' inde E. L. Mil' nup Dic Com' pdia' obiit Et quod hoc breve prout superius indorsat' & retorn' mihi R. S. Ar' modo Dic Com' pdia' deliberat' fuit per G. T. deputat' Dic pdia' E. L. nuper Dic Com' pdia'.*

R. S. Ar. Vic.

See *Wilk.* on *Greenwood* 235.

For Returns of original Process. See Office of Sheriff, Chap. 6.

*Here follow the Forms of Returns in B. R. according to their alphabetical Order: The particular Titles whereof may be seen in the Table.*

Accedas



Accedas ad Curiam, &c.

Note, The Writs of *Accedas ad Curiam*, false Judgment, *Pone*, and *Recordari facias*, are to remove Actions out of Inferior Courts into Superior.

The *Accedas ad Curiam* issues out of the *Accedas* Chancery, upon a Plaint sued, or Judgment supposed to be given in the Sheriffs County-Court, Court of some Lord or Franchise, Hundred-Court, Court-Baron, or the like, (being no Court of Record) to make Record of the same Suit, &c. and to return and certify the same, under his Seal, and the Seals of four of the Suitors of the same Court.

If it be in the County-Court, then it is properly called a Writ of false Judgment, but if in any other Court-Baron, &c. then properly 'tis called an *Accedas ad Curiam*. Vide *Dalt. Offic. Vic.* last pub. 200. and *Wilk. on Greenwood* 76. last pub. of the County-Court.

In an *Accedas ad Curiam* it is said that nothing but the Plaint shall be removed, though they be at Issue. *Finch* 444. *Dalt. Offic. Vic.* 200.

But the Writ of false Judgment is to remove all Process of the Suit into the Common Bench, to be examined; and if found erroneous, the Judgment shall be reversed. *Wilk. on Greenwood* 72. *Dalt.* 242.

A *Pone* is always to remove such Suits, as are *Pone*, before the Sheriff by Writ of Justices, and not by Plaint only, and a *Recordari* is to remove the *Recordari* Suit that is by Plaint only without Writ of Ju-

*Ban. Reg.* sticies, into the *King's Bench* or *Common Pleas*, and yet nothing shall be removed but the *Plaint*. *Vide Dalt.* 271. *Wilk.* on *Greenwood* 69, 71, &c.

Upon this Writ of *Accedas ad Curiam*, Mr. *Wilk.* on *Greenwood*, pag. 76. says, The County Clerk is to make a Precept in the Sheriffs Name to the Steward and Bailiff of the Court-Baron, &c. and sets forth the Form thereof: Then follows the Steward's Retorn.

Precept  
on an Ac-  
cedas.

Ebor' ff. J. B. Die Ar' Com E. Senes-  
call & Balliva Cur' honor' de P. saltem  
Virtute brevis mihi direct' vobis mando  
quod assumptis vobiscum quatuor discre-  
tis & legalibus liberis Tenentibus de Com  
pdia' Accedatis ad Cur', &c. Et habeatis  
(&c.) Dat. (&c.)

per Vic'.

### The Retorn of the Precept.

Honor de  
P.

Cur' Baron G. S. J. R. &c. Tent' a-  
pud P. pro. Honore de P. 12 die Junii an-  
no regni Domini nostri Caroli secund' Dei  
gra Angl' Scot' Franc' & Hibnie Regis  
Fidei defensor, &c. 14.

The Plaint.

R. S. querit' vers' J. R. de placito  
trans' sup' Calum ad dampn' 30 s. —  
then follows — Virtute hujus Precepti  
mihi direct' ad Cur' pdia' Tent' die & anno  
predict' in plen' Cur' ibidem Recordari feci  
Noquelam unde interius fit mentio que No-  
quel' patet sup'ascript' Et illud Record' re-  
tornavi sigillat' sigillo meo & sigillis pdia'  
quatuor legalium homin' qui eadem Cur'  
Record' ill' interfuer' Et partibus pdia'  
diem prefari in brevi specificat' qd' tunc  
sunt parat' prout justum fuerit processur'  
in

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in Loquela p̄dia' sicut interius mihi p̄p̄. Ban. Reg.  
cipit'.

W. O. Seneschal'.

J. H. T. H. }  
J. G. R. H. } Suitors.

The Sheriffs Retorn of the Record to be delivered into Court.

Virtute hujus brevis mihi direct' in forma infrascript' accessi ad Cur' infrascript' & in plena Cur' ill' Recordari feci Loquel' infrascript' Et recozdi illud (put patet in Schedul' huic brevi annex') coram Justic' Dñi Regis habeo ad diem & locum infrascript' content' sub sigillo meo & sigillis J. H. (Ec.) quatuor legalium hominum Com' mei ex illis qui recozdi interfuer' Et partibus infrascript' diem p̄fixi in brevi specificat' quod tunc sint parat' put justum fuerit & p̄cessur' in Loquela sicut interius mihi p̄cipit'.

*Note,* Though the Sheriff is to take with him four Men of the County, yet they need not be Knights; but he must retorn the Writ under his own Seal, and the Seal of four of the Suitors of that Court. *Dalton.* 201, &c.

Or thus, if the Record be not returned *Secund.*  
*Wilk. on Greenwood.* 78.

Virtute hujus brevis mihi direct', &c. in p̄p̄ Persona mea assumptis mecum R. S. (Ec.) quatuor probis & legal' Milit' Com' mei Accessi ad Cur' Baron G. S.  
K 2 J. H.



Ban. Reg. **I. H. Ec. tent'** apud **P.** pro Honore de **P.** Loquelam predicta' Recordari ad diem & locum infracontent' prout interius mihi precipitur unde Sectator' ejusdem Cur' apud **P.** predicta' in plen' Cur' mea infra-script' Die idem breve ibidem exequi vel quoad Loquel' predicta' aliquo modo inter-mittere omnino denegaber' p' quod exerce' istius brevis facere non possum, &c.

And here it is noted to be a good Return for the Sheriff to say, That after the Receipt of the Writ, and before the Return thereof, no Court was holden; and that also he required the Lord to hold his Court, and he would not, so as he could not execute the same. See after.

Aliter secundum Brev. Judic. 263. ubi Sectatores noluer' liberare Recordum.

Virtute istius brevis assumptis mecum **I. C. D. & B.** quatuor discret' & legalibus hoibus de balliva mea accessi ad Cur' Dñd Regis Lincoln' parcell' Ducat' ipsius Dñd Regis Lanc' infra-script' tent' ibm die Martis octavo die M. año rñd ejusdem Dñd Regis quarto ad recordand' in Cur' ill' loquelam infra-script' requirend' **I. B. & W.** sectatores Cur' pñ tunc ibm existend' ad deliband' mihi Record' loquel' pñ ut Record' illud habem coram Justic' infra-script' ad diem & locum infracontent' Ac pñ sectatores Record' pñ mihi delibare penitus recusaber' Ob quod Record' illud coram eisdem Justic' ad diem & locum infra-script' habere non possum prout interius mihi precipit', &c.

Retorn'

The New Retorna Brevium.

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Retorn' sur Distringas Sectatores ad habend' Re- Ban.Reg.  
cord.

Manueapt' W. H. D. H. & eoz J. Doe &  
cujuslibet S. Roe.

Erit' eoz cujuslibet, &c. 2 s.

Sund C. B. & R. S. R. S. & J. H.

Vide Brev. Judic. 264.

A. B. Ar' Vic'.

Aliter secundum Offic. Brev. 195.

Virtute istius bdis mihi direct' in forma  
infrascript' in plena Cur ill' recordari feci  
loquelam infrascript' & Record illud put  
patet in Scheda huic brevi annex' ha-  
beo coram Justic infrascript' ad diem &  
locum infracontent' sub sigillo meo & si-  
gillis C. A. C. B. D. C. f. H. quatuor  
pbor' & leglium hoium de ballia mea qui  
Record ill' interfuer' Et partibus infra-  
script' diem ill' p'firi qd tunc sint ibi in  
loquela ill' put justum fuerit psecutus put  
interius mihi p'cipit'.

R. O. Ar' Vic'.

Aliter secundum Brev. Judic. 233.

Virtute istius bdis mihi direct' assumpt'  
mecum J. D. & R. f. W. M. & H. C. qua-  
tuor discret' & legal' Milit' de Com meo  
infrascript' in p'p' p'sona mea accessi ad  
Cur W. H. Mil' de C. & in plena Cur ill'  
recordari feci loquel' que est in eadem Cur  
sine brevi Dnd Regis inter partes infra-  
script' ad diem & locum infracont' sub si-  
gillo meo & sigillis W. L. S. L. R. P. &  
M. S. quatuor leglium homin' ejusdem  
Cur ex illis qui recordo ill' interfuer' Et

K 3

parti-

Ban. Reg.

partibus eundem diem p̄ari quod tunc sint  
ibi in loquela illa put iustū fuerit p̄cessur.  
Tenor: cuius quidā loquel' patet in qua-  
dā Schedul' huic b̄ebi annex'.

C. ff. Cur' III. R. Manerii sui p̄i ibm  
tent' 19 die Sept. año r̄ni Regis, &c. 20.

III. S. querit' de P. G. de plito cap-  
tonis duar' vaccarum.

E. P. Ar' Vic'.

Alit' secund' Of. Brev. 195. & Sectat. denegaver'.

Virtute istius b̄is mihi direct' in pp̄  
plon' mea assumptis mecum J. T. S. M.  
&c. p̄bos & legles Mil' de Com' meo, ac-  
cessi ad Cur' J. A. de C. ad recordand'  
Loquel' infrascript' ad diem & locum in-  
fracontent' put interius mihi p̄cipit' super  
quo Secato' Cur' p̄i apud villam de C.  
in plena Cur' me infrascript' Dic' ad dem  
b̄i ibm exequend' aut de Loquela p̄i ali-  
qualit' intermittend' penitus denegaver'  
Ob qđ execucon' b̄is p̄i mie' facere po-  
tui. Vide Kitch. 257.

R. O. Ar. Vic'.

Aliter secundum Dalt. Offic. Vic. 200, &c. Et  
Loquela retorn.

Virtute istius b̄is mihi direct' in forma  
infrascript' accessi ad Cur' infrascript' &  
in plena Cur' illa recordari feci Loquelam  
infrascript' & Recordū illud (put patet in  
Schedula huic b̄ebi annexat') habeo co-  
ram Justic' infrascript' ad diem & locum  
infracontent' sub sigillo meo & sigillis J.  
B. C. D. E. F. & G. H. quatuor' p̄bon' &



Et legium hominū de balliva mea qui <sup>Ban.Reg.</sup>  
 recozda illo interfuerunt Et partib⁹ infra-  
 script⁹ diem illum p̄ari quod tunc sint ibi  
 in loquela illa put iustum fuit p̄secutus  
 put interius mihi p̄cipitur.

A. B. Ar' Vic'.

Vide Kitch. 256. Wilk. on G. 229.

The Retorn of the Precept, &c.

Ad Cur' Baron C. A. Mil' ibm tent' <sup>Horf-</sup>  
 sexto die februarii aṇo ec. regni (Ec.) <sup>heath.</sup>  
 J. S. querit' vs W. W. de p̄lita cap' <sup>The</sup>  
 tonis & injuste detentionis aṇion suoz. <sup>Plaint.</sup>

And here it is noted, That nothing but the  
 Plaint shall be removed, though they be at  
 Issue. *Finch* 444.

The Bailiff's Retorn of his Warrant to the  
 Sheriff.

Virtute istius Precepti mihi direct' ac-  
 cept' mecum C. D. C. F. G. H. & J. K.  
 quatuor discret' Milit' \* Hundredi de C. p̄  
 accessi ad Cur' C. A. Mil' Et recozdari  
 feci Loquelam que est in eadem Cur' inter  
 J. S. Quer' & W. W. Def. Et recozdi illud  
 parat' habeo sub sigillo meo & sigill' p̄

\* Here it is observed, That it is good to re-  
 torn that there are no Knights within the  
 Hundred.

Ban.Reg. quatuor Milit' ejusdem Cur' † ex illis qui recoz ill' interfuer' Et partibus pdeis eundem diem pxi put mihi pceptum fuit. In cujus rei testimonium tam ego Ballibus Hundzed p qm p C. D. E. F. G. H. & I. K. quatuor legal' Milit' Hundzed p pntib' sigilla nostra apposuvimus, &c. Dalt. 201. Wilk. Lat. 128.

† Also it seems that quatuor Milit' ejusdem Cur'. (&c.) as above, is a Mistake, Cur' for Com or Hundzedi.

*Aliter*, where he returns that no Court was kept. Dalt. Offic. Vic. 201.

ff. Nulla Cur' infra script' E. M. Mil' (unde infra fit mentio) tent' fuit post recepton hujus bz'is & ante diem retoz ejusdem p quod execuca istius bz'is ad presens p me fieri non potest.

But here it seemeth, the Sheriff ought to return further, That he hath required the Lord to hold his Court, and that he will not. Fitz. 18. C.

*Aliter*, where the Lord would not hold his Court,

Virute, &c. accessi ad R. infra script' Et ibi rogavi infranotat' W. S. cum magna instantia tenere Curiam suam infra script' ut execuca istius bz'is mihi direct' ibi secundum formam ejusdem p me fieri possit Et idem W. Cur suam ibi a tempore recepton istius bz'is usq' diem retoz inde tenere mie curabit & oia recusabit, Et ideo execuca istius bz'is facere non possum. Dalt. Offic. Vic. 556.

*Aliter*,

*Aliter*, if the Record be not delivered.

Virtute istius hris mihi direct' in ppria psona mea assumptis mecum J. S. &c. accessi ad Cur' J. D. Ar' ad recordand' loquelam infrascript' ad diem & locum infracentent' put interius mihi pcepitur, sup quo Sectatores Cur' p'd apud villam de C. in plen' Cur' me infrascript' Die ad dict' breve ibm erequend' aut de loquel' p'd aliqualit' intermittend' penitus denezgaber'. Ob quod execuconem hris p'd mie facere potui. Vide Kitch. 257, 2.

*Aliter*, where there is no Plaint.

Iustic' infrascript' certifico quod non habetur nec die impetracon' humod' brevis habebatur aliqua talis Loquela in Com' meo inter partes infrascript' put interius sit menco.

Pleg de ps J. D. R. R.

Vide Brev. Judic. 234.

## Faux Judgment.

Retorn of a Writ of False Judgment by the Sheriff, That the Suitor and Steward of the Court refuse to deliver the Record.

Virtute istius hris mihi direct' assumptis mecum J. M. &c. quatuor legalib' Militib' (or p'bis & legalibus hominibus) de Comitatu meo in ppria psona mea accessi ad Curiam C. M. &c. tent' apud P. tli die & aho Et in plena Cur' ibm ab  
A. B.



Ban. Reg. N. B. &c. Sextatoꝝ ejusdem Cur' & R. H. Seneschallo ibidem petii Recordum loquela que est in eadem Cur' p parvū breve Dñi Regis de Recto inter J. P. petent' & R. S. tenent' fieri & mihi liberari, qui quidam Seneschall' & Sextatoꝝ Recordum illud mihi libari noluerunt Ob quod executioni dicti brevis mihi facere potui, &c.

Vide Dalt. Offic. Vic. 242. Kitch. 257. & vide postea. And see there what other Returns may be allowed or disallowed. Vide etiam Brev. Judic. 264, 265. & Offic. Brev. 196.

Aliter in Cur' Baron' vel Hundred' & Loquela recordat' secundum Dalt. 201.

[This is  
there left  
out.]

Virtute huius Dñi Regis huic Schedule annex' (assumpt' mecum B. C. D. E. f. G. H. I. quatuor legal' Milit' de dño Com meo) in ppria psona meo accessi (ad tlem Hundred' vel ad tlem Cur') Et in plena Cur' ill' (sive in pleno Hundred') [recordari feci loquelam infrascript' Et recordi ill'] coram Justic' infrascript' ad diem & locum interius content' sub sigillo meo & sigillis quatuor leglium hominū ejusdem Cur' qui Recordi ill' interfuer' habeo parat' huic brevi annex' juxta tenorem ejusdem brevis Et partibus in eodem brevi nominat' eundem diem p̄ari quod tunc sint ibi in Loquela ill' put justum fuerit p̄cessur' secundum quod illud breve in se exigit & requirit, &c.

Note, It is here said, That the Reading the Writ in Court, is a sufficient Warning to the Parties to be before the Justices at the Day.

Aliter

Aliter Retorn. Brevis de Falso Judicio. Dalt. 242.

**N.** Virtute istius us hzebis (assumptis mecum J. W. (Ec.) quatuor discret' & legibus Milit' (or hominib⁹) de balliva mea) in ppria psona mea, accessi ad Curiam Caroli Regis Angl' de C. cent' apud Ec. (cui die & anno) & in plena Cur' ill' recordari feci Loquelam, Unde infra sit mencio & Recordi illud habeo coram Justic' infrascript' ad diem infrascript' quod huic hzevi est consut' sub sigillo meo & sigillis W. C. D. & C. quatuor legal' homin' ejusdem Com' ex illis qui Recordi ill' interfuer' &c.

Aliter sur Mandavi Ballivo.

Ad executionem istius hzebis mihi directa' mand' ballio Libertatis P. Com' A. Hundz' sui de L. in Com' P. qui habet plenam executionem omniū Brevium & Precept' infra Libertat' ill' exequend' & retorn' eorū dū cui executio istius hzebis totaliter restat faciend' pro eo quod Executio inde aliter in ballia mea extra eand' Libertat' fieri non potest. Qui quidem ballivus sic mihi respondit Qu' ipe assumpt' secum J. D. C. H. W. f. & W. C. quatuor discret' & legal' Milit' in Com' pō in ppria psona sua accessit ad Hundzed' infrascript' Et in plen' Hundzed' ill' recordari fecit loquelam que est in eodem Hundzed' sine hzevi Dñe Regine infrascript' ad diem & locum infrascript' sub sigillo meo & sigillis pō H. D. Ec. quatuor leglium homin' ejusdem Hundzed' ex illis qui Recordi ill' interfuer' Et partibus eundem diem p̄firi Qu' tunc sunt  
ibi

Ban. Reg. ibi in Loquela ill' put justum fuerit p-  
cessur' Et quod resd' Execucionis ill' patet  
in quadam Schedul' huic bzebi annex'.

P. A. Vic. T. S. Gen. Ballivus.

Retorn of an *Accedas ad Curiam*, That the Bailiff and Suitors denied to record the Plaint, took away the Books, and hastily went out of Court.

Virtute bzebis Dñi Regis huic Schedule annex' (assumptis mecum quatuor discret' & legal' Militibus de Com C.) accessi ad Hundzedum unde in dicto bzebi fit menço tent' apud B. (tñ die & año) & in pleno Hundzed' illo Loquelam unde in dicto bzebi fit menço recozdari volui Et J. S. ballivus adtunc & ibm in plena Curia sedens viso & audito bzebi pñ Libros suos Loquelam pñ tangentes immediate clausit surrerit & festinans ab Hundzed' illo una cum omnib' libris illis & omnib' lectis ejusdem Hundzedi adtunc & ibm exiit assumpt' secum indilate recessit & pceptum dict' Dom' Reg' in deo bñi specificat' adtunc & ibm fieri execut' omnino denegavit & contradixit & libros pñ dict' indilate adtunc & ibm a visu meo vi & armis manu fort' abstulit & rescussit p qd executionem istius bñis ad plens facere non possum.

Vide Dalt. 201.

Retorn



Retorn of an *Accedas ad Cur'* executed in Form,  
with the Plaint and Schedule thereunto annexed.

**Pleg de p's J. D. R. R.**

Resid vero executio istius b'is patet in  
quadam *Schedula* huic b'is annex'.

**Summond J. D. R. R.**

Virtute istius b'is huic *Schedule* annex'  
(tali die & anno, &c.) assumptis meo R.  
C. J. B. R. C. & M. P. quatuor discretis  
& legalibus Milit' de ballia mea, accessi  
ad Cur' L. Ducis B. de R. in b'is p'dia  
nominat' & in plena Curia illa petit  
a Ballivo & Secretario ejusdem Cur' re-  
cordari *Loquelam*, que fuit in eadem Cur'  
p parvum b'is Dom Reg de Recto inter  
R. C. petentem & T. B. tenent' de uno  
Messuagio, &c.

Hundred C. B. Ar' tent' ibm p M. B.  
Seneschal' suu ibm coram J. C. & R. C.  
&c. Secretarioibus Cur' Hundred p'd 10 die  
Maii año, &c. inter alia sic continetur.

J. B. Gen' querit' Usus R. G. in placito  
captionis & injuste detentionis adion sive  
catalloz.

**Pleg de p's ac de aver' retoz'd si &c. A.**

B. C. D. nomina quatuor legum  
hominu Hundred ex illis qui Re-  
cord' illi interfuer' A. B. C. D. E.  
F. G. H.

Virtute istius b'revis mihi direct' in for-  
ma infrascript' accessi ad Cur' infrascript'  
& in plena Curia illa recordari feci Lo-  
quel' infrascript' Et Record' illud (put  
patet in *Schedula* huic b'revi consultata) ha-  
beo coram Justiciariis infrascript' ad diem  
& lo-

**Ban. Reg.** *Et locum infracontent' sub sigillo meo & sigillis J. B. &c. iiii. pbon & legliu hominu de ballia mea ex illis qui Recordo illi interfuerunt & partibus, &c. (ut antea.)*

Aliter secundum Dalton 556. where the Record is not delivered.

*Virtute, &c. assumptis mecum D. f. &c. quatuor discret' & legal' Mil de ballia mea accessi ad Cur' infranciat' J. B. tent' apud O. (tli die, &c.) ad recordand' in Cur' ill' Loquelam infrascript' adtunc & ibem requirend' B. C. &c. Deatores Cur' p' tunc ibm existend' ad deliband' mihi Recordu Loquela p' ut Record illud herem coram Justic p' &c. Qui Deatores Recordu mihi delibare noluer Ob quod Record illud coram Justic &c. here non possum. Vide antea, Acced. ad Cur. Vide Kitch. 257.*

It is observed, That upon the Writ of *False Judgment*, although the Plaint or Suit be determined, yet the Sheriff is to make Execution of the Writ, *scilicet*, he is to require a Sight of the Plea, and to record the same, and to return the same Record together with the Writ. *Dyer 268. Dalt. 243.*

*Note*, It is said to be a good Retorn for the Sheriff to say, That after the Receipt of the Writ, and before the Retorn thereof, no Court was holden, so as he could not execute the Writ. *Fitz. Ret. 21. Dalt. 242.*

Also, That the Sheriff required the Lord to hold his Court, and the Lord would not, so as he could not execute the Writ; and upon such Retorn,

Retorn, the Justices will award a Distress di-Ban.Reg. rected to the Sheriff, to distrain the Lord to hold his Court. *Id. Fitz. 19. c. Lib. Intr. fo. 342.*

*Dalt. 242, 243.*

The Sheriff returned, He had been at the Court, and the Suitors would not record the Plea.

*Fitz. Faux Judgment, 6, 8, 21. Dy. 262.*

The Sheriff returned, That he came to the Court to record the Plea, and that the Suitors said there was no such Plea, &c. *Fitz. Faux Judgm. 13. Nat. Br. 16.*

Or that the Suitors would not deliver him any Record. *Fitz. Procefs. 128.*

Or that the Suitors would not deliver him the Record, nor suffer him to have it. *Fitz. Recorder. 7. Li. Intr. 342.*

If the Sheriff returneth, *Quod breve adeo Tarde. tarde venit, Quod executionem ejusdem facere non potuit*, this it's said is a good Retorn; and hereupon the Party may have a *sicut alias* directed to the Sheriff; and if the Sheriff doth not return this at the Day, then shall the Party have a *Pluries* directed to the same Sheriff, &c. *Li. Intr. 345. d. Dalt. 243.*

## Pone.

A. Pone, to remove a Suit, secund' *Wilk.* Pone.  
on G. 71.

Virtute hujus b'ris mihi directa' posui The Re-  
cora Justiciar Und Regis de Banco a torn.  
pud Westm Loquet que est in Com mea  
p b're Und Regis de Justic inter A. B. &  
C. D. de plito Debi ut dicitur put pater  
in quadam Schedul huic brevi annex', &c.  
Ad



Ban.Reg.

TheSchedule.

**Ad Com meum tent' apud Castrum E-**  
**boz in Com pd die Lune 12<sup>o</sup> die Augusti**  
**anno Regis nunc Caroli secundi Angl<sup>i</sup> Et.**  
**14<sup>o</sup> — A. B. queritur vs C. D. de pli-**  
**ta Debi. In cuius rei testimonium ff.**  
**L. S. ff. C. O. & S. D. quatuor legales**  
**hōies ex ill' qui Recor<sup>d</sup> ill' interfuer' in**  
**plena Cur Agill' sua separaliter apposuer'**  
**die & anno supradcis, Et.**

It is here noted, That if a Plea be removed by *Pone*, at the Instance of the Defendant, or by the Plaintiff, and afterwards they proceed below in the Plea, and give Judgment, and award Execution, &c. then the Party against whom Judgment is given, &c. shall have an Attachment against the Sheriff, directed to the Coroner, to answer as well the King for the Contempt, as the Party his Damages, &c. *Id. Wilk. on G. 72. 227. Kitch. 225. a.*

Aliter secundum Dalt. Offic. Vic. last pub. 269.

**ff. Virtute istius hris mihi direc' pos-**  
**tui coram Justic Dnd Regis de Banco a-**  
**pud Westm Loquelam que est in Com meo**  
**p hre dcd Dnd Regis inter C. W. & H.**  
**B. de averiis ipsius C. W. capt' & injuste**  
**desent' ut dia' put patet in quadam Sche-**  
**dul' huic hzd annex'. Et.**

Or thus.

**Virtute istius hzebis in forma infrascript'**  
**posui Loquelam infrascript' ad diem & lo-**  
**cum infracotent' put interius mihi pci-**  
**pitur. Cujus quidem Loquele recor<sup>d</sup>um**  
**patet**

## The New Retorna Brevium.

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patet in Schedula huic brevi consut' simul Ban. Reg.  
cum alio brevi unde infra fit menço.

Sum C. P. J. D.

Ad Com meum tent' apud C. 12<sup>o</sup> die A.  
anno regni Dni Regis nunc, Et. 20<sup>o</sup> C.  
M. querit' vs P. C. de plito Capcon &  
injuste detencōd a hior Et sunt Plez de  
psequend & retord hend, si rec' inde adju-  
dicerur, viz. J. M. M. f. In cujus rei  
testimonium J. R. B. C. D. G. & A. S.  
quatuor legles hōies ex illis qui Recordo  
ill' interfuer' in plena Cur ill' eidem Re-  
cordo sigilla sua alternatim apposuer die &  
anno supdictis.

It is here noted, That if the Plaintiff hath suf-  
fered a Nonsuit, then it seemeth there resteth no-  
thing to be removed, but the Sheriff may re-  
turn, *Quod ad pr' Com, Et. se Pl' fuit*  
*nonsue & sic non parol la.*

But notwithstanding that the Plea be disconti-  
nued in the County, yet it may be removed by  
a *Recordari*.

That upon a *Pone* or *Recordari* the Plaintiff only  
shall be removed.

There are other Retorns of a *Pone*, for which  
see after, *Tit. Pone*.

## Recordari fac Loquelam.

Upon this Writ nothing shall be removed but  
the Plaintiff, although the Parties are at Issue. *Fitz.*  
*71. a. Dalt. 272.* and it is returnable into the  
Court of *King's Bench* or *Common Pleas*; and  
the Sheriff is hereupon to summon the other  
Party to be in that Court (into which the Plaintiff  
is to be sent) at a Day certain; and of all this he

L

is

**Ban.Reg.** is to make Certificate under his own Seal, and the Seal of the four Suitors of the same Court. *Vide Wilk. on G. 69.*

**Recordari.**

Virtute brevis mihi direct' in plena Com' mea tent' apud C. in Com' C. infrascript' (tñ die & año) recordari feci. Quodam que est in eodem Com' inter partes infrascript'. Unde interius fit mencio que quidem Loquela patet in quadam Schedul' huic brevi annex'. Et reco'd illud heo coram Justic' infrascript' ad diem & locum infrascript' sub sigillo meo & sigill' W. D. C. R. & C. quatuor p'orum & legalium hominum (or Milit') ejusdem Com' ex illis qui reco'd il' interfuer'. Et partibus infrascript' diem illum p'ari q'd tunc sint ibi in Loquela illa put justum fuerit p'secut' put interius mihi p'cipitur.

**Schedul'.**

Ad Com' meum tent' apud C. in Com' p'd (tñ die & año) coram W. D. S. S. C. D. & A. B. quatuor S'cator' Cur' p'd int' al' sic continet'.

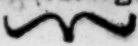
**Loquela.**

R. S. querit' vs J. C. de p'lito cap'tonis & injuste deten'conis ad'iorum suorum (contra vad' & pleg' &c.) Et sunt pleg' de p's necnon de reco'd' hend' & reco'd' adjudicet'.

Pleg' de p's J. D. R. f. In cuius rei testimonium, &c. (as before in a Pone.) *Vide Dalt. 271. Offic. Brev. 195, 217. Wilk. Lat. 128. Kitch. 255. b. Wilk. on G. 230.*

*Idem Dalt. 272. it is said, Though upon an Accedas the Sheriff must take with him four Men of the same County, yet in a Recordari he need not take any with him.*



Also if the *Recordari* beareth Date before the Ban. Reg.   
 Plaint be entered in the County-Court, and the Sheriff removeth it, it is good.

That the Plaint being removed, the Party shall declare upon the same; and that in the *Common Pleas* the Plaintiff may declare anew, &c. *Wilk.* on G. 71.

Aliter.

*Virute hujus hris recordari feci, Lo-  
 quela que fuit in Com meo sine hri Dnd  
 Regis inter J. M. & H. S. infrascript' de  
 ahiis ip's J. capt' & injuste detent' Et eis-  
 dem partib' diem & locum infracontent'  
 p'ari, qd quod tunc sint ibi in Loquela illa  
 prout justum fuerit processur', prout istud  
 brebe in se exigit & requirit Cujus quidem  
 Loquele recoz'd hui' brebi est consur' &c.  
 Dalt. 272. Lib. Intr. 570. d.——Or, Que qui-  
 dem Loquela patet in quadam Schedul'  
 hui' brebi annex'. *Wilk.* on. G. 232.*

Aliter secundum *Greenw.* 69.

*Virute huj' hris mihi direct' ad Comd  
 meū E. tent' apud Castrū E. infrascript'  
 (tti die & año) Recordari feci Loquelam,  
 de qua int'ius sit menō, que patet in  
 Schedul' hui' brebi añex'. Et illud re-  
 coz'd coram Justic' infrascript' heo ad diem  
 & locum infracontent' sub sigillo meo & si-  
 gill' W. F. R. & E. quatuor probon' & le-  
 galium Milit' ejusdem Comd ex illis qui  
 recoz'd ille interfuer' Et partibus infra-  
 script' eundm diem p'ari, quod tunc sint*  
 L 2 *ibi*

**Ban. Reg.** ibi in Loquela ille p[ro]ut iustum fuerit p[ro]cessur' sicut interius mihi p[re]cipit.

Resid' execu[ti]on[em] huius b[re]vis patet in quadam Schedul' huic b[re]vi annex'.

**The Schedule.** Ad Com[modum] meum tent' apud Castrum E. in Com[modum] p[re]s[entis] (t[er]ti die & a[n]no) coram J. R. M. I. J. S. & S. D. quatuor[um] Sectato[rum] dic' Cur' inter alia continetur.

**The Complaint.** R. S. querit' vs B. M. de p[re]s[entis] debi (as the Case is.)

J. B. Ar. Vic.

Pleg de p[re]s[entis] J. S. J. D.

In cuius testimoniu[m] (et.)

Aliter.

Virtute huius b[re]vis reco[r]dari feci Loque[la]m que est in Com[modum] meo sine b[re]vi D[omi]ni Regis inter A. B. & C. D. de a[n]i[m]is i[ps]ius A. B. rapt' & injuste detent' ut dicit' Et reco[r]di ille coram Justic[ia] infrascript' ad diem & locum infracentent' heo sub sigillo meo & sigillis E. B. S. D. R. B. & J. L. quatuor[um] legal' Milit' Com[modum] mei, ex illis qui reco[r]di ill' interfuer' p[ro]ut patet in quadam Schedul' huic b[re]vi annex' secundu[m] exigenc[ia] huius b[re]vis. Vide Wilk. on G. 70. Vide Bro. Judic. 233, 234.

Aliter.

Virtute istius b[re]vis mihi direct' reco[r]dari feci Loquelam que fuit in Com[modum] meo ini' partes infrascript' Et eisdem partibus diem p[re]s[entis] essend' coram Justic[ia] infrascript' ad diem & locum infracentent' p[ro]ut istud b[re]ve

**B**reve in se exigit & requirit, que quidem Ban. Reg.  
**L**oquela patet in quadam **S**chedula huic  
**B**revi consut.

**A. B.** querit' **Hs C. D.** de plito capto: Querel.  
**n**is & injuste detentionis a**V**iorum suo-  
**r**um.

**P**leg de p<sup>r</sup> &c. (ut supra) Vide Dalt.  
 271.

Aliter secundum Wilk. on G. 70.

**D**ictate hujus **B**revis in forma infra-  
**s**cript' ad **C**ur' infra-script' veni & in ill'  
**p**lena **C**ur' recozdari feci **L**oquelam infra-  
**s**cript' **E**t **R**ecozd' ill' p<sup>r</sup>out patet in **S**ches-  
**d**ul' huic **B**revi annex' habeo coram **J**ustic'  
**i**nfrascript' ad diem & locum infracotent'  
**E**t partibus infrascript' eundem diem p<sup>r</sup>e-  
**s**cri quod tunc sint ibi in **L**oquela ill' p<sup>r</sup>out  
**j**ustum fuerit processur' sicut interius mihi  
**p**recipitur.

**A. B.** queritur **Hs C. D.** de placito cap- Schedule.  
**t**onis a**V**iorum ipsius **A. B.** **I**n cujus  
**r**ei testimonium **E. B. S. D. J. M.** &  
**J. K.** quatuor legales homines ex illis  
**q**ui **R**ecozd' ill' interfuer' in plena **C**ur' a-  
**p**ud **C**astrum **E.** in **C**o **D** p<sup>r</sup>ed' decimo die  
**A**ugusti, &c. eidem **R**ecozd' sigilla sua se-  
**p**aralit' apposuer' die & anno sup'dcis.

*Note, That if the Retorn shall be, Ad Com-  
 meum tent', &c. Recozdari feci Loquelam  
 que est in eodem Com coram me, this is  
 not good, for the Suitors are Judges there. And  
 therefore it must be, coram **S**ecratoribus **C**us-  
 rie; and not, coram me. Dalt. 272.*

Also the Schedule must be, **Ad Com me-  
 um tent'** (tali die & anno) coram such and  
 such



Ban. Reg. such, *Setatoribus Curie*; and not, *cozam*  
 me. Ibid.

In a *Recordari de Averiis*, the Sheriff may re-  
 turn, *Quod causa non est vera*. Ibid.

And also he may return a *Tarde*. See after,  
*Tit. Tarde*.

See more of these in the *Compleat Sheriff*, fo.  
 69.

## Admeasurement.

Admeasurement of Pasture, Vide *Brev. Judic. 7*.

Admeasurement of Pasture, and Admeasurement  
*de Dower*

That *Nihil* may be returned in a Writ of Ad-  
 measurement of Pasture or Dower. *Br. Ret. 101*.  
*Dalt. 202*.

Retorn of a Proclamation in a Writ of Ad-  
 measurement.

*Ad Com meum Tent' apud Castrum C.*  
*in Com C. infrascript' 21 die, &c. anno*  
*regni Regis infrascript' 3 Et ad Com*  
*meum tent' apud Castrum C. pdict' 22*  
*die, &c. anno supradicto Proclam feci om-*  
*nia & singula in brevi pdict' specificat'*  
*put mihi interius precipit. Dalton 202.*

Retorn *Distringas in Admensuratione Dotis.*

*Ad Com meum tent' apud C. tali die &*  
*anno Proclamari feci quod infranominat'*  
*J. be*

**I.** beniret coram Justic' infrascript' ad di-<sup>Ban. Reg.</sup>  
em & locum infracontent' put interius  
mihi precipit'. Vide Brev. Judic. 35. Vide  
Dower post.

R. B. Ar' Vic'.

*Note,* Where the Admeasurement of Pasture  
or Dower is made before the Sheriff in his  
County, there the Sheriff himself is Judge.

*Fitz. Adm. 3.*

But if it be removed, then he cannot make  
Admeasurement, but must first go to the Lands, and  
so divide and praise them by a Jury of seven Men,  
and so return in certain how much the two Parts  
are worth *per ann.* and how much the third  
Part is worth *per ann.* and when that appeareth  
to the Justices, it shall be admeasured as the  
Court shall think good. *Br. Adm. 2 & Fitz. H.*  
*148. Dalt. 203.*

So that notwithstanding the Defendant's Default  
of Appearance, the Sheriff is not to make Ad-  
measurement, but to leave that to the Court of  
Justices. *Dalt. ibid.*

Apportionment of Common. Vide 1 Brown,  
173.

Admittend' Clericu'.

**Admittend' Clericum sup' Judic' in Quare  
Impedit.** Secund. Brev. Judic. fo. 9. viz.

**N.** Ego W. providencia Divina Lincoln  
Epus Justic' Dñe Regine ad diem in bre-  
vi huic Schedul' annex' content' certifica  
quod post receptiōem istius brevis & ante  
Retornd ejusdē scilicet 5 die Junii anno  
regni dñe Dñe Regine nunc 42 M. C. in  
dco dñevi nominat' presentabit mihi pre-  
fat' Epō per verba tantū quendam  
G. Cler' suum & eum petiit ad Ecclesiam

Ban. Reg. de W. in dco brevit spes admitti ac quia  
 W. G. adtunc non ptulit nec delibe-  
 ravit mihi prefat' Epō aliquod sufficien-  
 testimon testificandū pbitat' vite sue antea-  
 & professionem suam sincere doctrine Chri-  
 stiane secundū formam quorundam Articul-  
 in Statut' in huiusmodi Casu nuper edit' &  
 probis licet inde requisit' fuisset Ego pre-  
 fat' Epūs prefat' W. G. tunc dixi quod  
 ego ipsum W. G. in premiis exaiare vo-  
 lui ipm requirendo quod ne decederet an-  
 teqm in premiis exaiat' foret super quo p-  
 dia' W. G. adtunc instantet & anteqm  
 Ego prefat' Episcopus ipm de sufficiencia  
 sua in hac parte convenienter exaiare po-  
 tui a me recessit Et postea & ante retorn-  
 istius brevis ad me non revenit Ideo ad  
 admissionē pdia' W. G. ad Ecclesiam pdia'  
 procedere non potui. Vide de Admittend.  
 Cleric. super Judic. in Quare Impedit. Rast. Ent.  
 503.

### Annuity, Retorn of the Writ.

The Sheriff may retorn—**Quod** Def. ni-  
 hil habet in balliva mea per quod potest  
 Attachiari, or per quod potest Sumoniri,  
 or Mandavi ballivo qui nullum dedit re-  
 sponsum.

Or thus.

**Quod** ipse Virtute brevis pdia' cepit de  
 terr' & catat pdia' A. in balliva sua ad va-  
 lenc 5 l. &c.

Or the Sheriff may summon him by his Per-  
 son, if he have not Land whereby he may be  
 summoned.



## The New Retorna Brevium.

153

He is here to take of the Plaintiff Pedges *de Ban.Reg. prosequendo*, and to Summon the Defendants to appear at the Day before the Justices. See *Dalton's Offic. Vic.* 205.

*Appeal*, original inde. Vide *Co. Ent.* 57.

### Affise.

Retorn, Summons, Affize, &c. vide postea  
Summons.

*Assa* *Co. Entr.* 92. *Plo.* 415. 1 *Browl.* 1. 27.  
*Hern.* 21.

*Retorn* superinde quod *Def.* *Nihil* habet. *Assht.* 126.

*Retorn* nihil inde *Ass.* &c. *Bo. Act.* 206, &c.

Quod *Def.* est *Attach* per *bovem.* *Plo.* 73.  
*Assht.* 123. *Bo. Act.* 268.

Simile per *Mensam.* *Hern.* 21.

Quod quer' *Attach* per 100 *Oves* & *uxor* *Nihil* habet. 7 *H.* 6. 9.

Simile ubi *uxor* est *Attach* per *bona vi-*  
*ri.* *Ibid.*

Retorn. de *Nichil* super brevi de *Affisa.*

*N. Ple* de *prosequend* *J. D. R. R.* in-  
*franomat* *W. L.* *nihil* habet in *balliva*  
*mea* per quod *Attach* potest nec est *invent*  
in *eadem.*

Or thus.

*Infranominat* *A. B. C. D. E. F. &*  
*G. H.* *nihil* habent nec aliquis eorum ha-  
bet in *balliva* *mea* per quod *Attach* pos-  
sunt nec aliqui eorum sunt *invent* nec eorum  
aliquis

Ban. Reg. aliquis est invent' in eadem. Offic. Brev.  
201. Wilk. 125.

Si Attach' sic.

ff. Infranominat' R. E. Attachiat' est  
p unam vaccam pretii triginta Solidos  
Ac infranominat' C. D. Attachiat' est  
per unum Equum pretii trium librar' ac  
infranominat' E. F. Attachiat' est per  
tres porcos pretii cujuslibet eorum 2 s. 6 d.

ff. Resid' Executionis istius brevis patet  
in quodam panello (or in quadam Schedu-  
dul') huic brevi annex'. Offic. Brev. 202.  
R. P. Ar. Vic.

Panellum,

ff. Nomina Recognd' Assize nobis disseisine  
inter M. C. Quer' & C. C. Tenent' N. B.  
C. D. C. F. &c. (to the Number of 24) Ibid.  
& Dalt. 204.

Summō Jurat' (sive Recognd') p d' } J. D.  
& eorum cujuslibet per se.

Manuapt' Sum (sive } J. A. } M. P.  
Recognd') p d' } & eorum u. }  
triusq. } R. S. } J. C.

Here the Sheriff must warn or summon the  
Recognitors, &c. Co. Lit. 158.

In Assize, the Sheriff at the first Day returns  
only *manuaptōres Summonitorum* & *nomina Ju-  
rator'*, &c. but at the Day after he returns *Ma-  
nuaptōres Jurator'*. Vide Dalt. 204. & Fitz.  
Ret. 28. Abr. Af. 146.

The

# The New Retorna Brevium.

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The Recognitors are taken for the Jury im-Ban.Reg.  
panelled on the Assize, and the Summons may  
be made to their Persons in any Place within the  
County where the Land lieth; or if it be made at  
their Dwelling-houses, and plain Notice given to  
any of their Family, it is sufficient. *Id. Dalt.*  
204. *Lit. 234. Co. Lit. 158. Vide Brev. Judic.*  
246. *Wilk. 126.*

Aliter Pleg. de Prof. J. D. & R. R.

Infrascript' J. S. & R. B. Attach sunt  
& quilibet eor' Attach est per Pleg J. D.  
R. R.

Residuum Executionis istius brevis pa-  
tet in Panello huic brevi consut'.

Nomina Recogn' in Assisa nobis disseisne  
int' M. C. Quer' (seu Peren') & T. C. Ce-  
nen' seu Defend' in placito, &c.

A. B. C. D. E. F. &c. (ad numerum  
24.)

Sumon Jurat' pd' & eor' cujuslibet J. D.  
& T. B. (or more) Manucripto Sum' pdict'  
& eorum cujuslibet. J. S. & J. D.

Aliter.

Executio istius brevis patet in quodam  
panello huic brevi annex' Nomina Recogn-  
nito' in Assisa nobis disseisne int' A. B.  
Quer' J. M. Def. J. D. J. S. &c. (to 24)

Quilibet Recognito' pdict' per se sepa-  
ratim Attach est per Pleg J. D. & R. S.

Exitus eorum cujuslibet 5 s.

Nomina Recogn' de Robo appoit' juxta  
formam Statuti A. S. B. C. D. E. &c.

Quilibet



Ban. Reg.

**Quilibet Recognd p'dict' de novo appoit  
Attach est separatim per Pleg A. B. & C.**  
R. Vide Dalt. Offic. Vic. 205. & Libr. Intr. f.  
81. b.

Also in an Assize the Sheriff may return  
**Mandavi Ballivo Libertatis qui nullum  
dedit responsum &c.** Lib. Intr. 59 & 76.

The Sheriff returned, That the Bailiff of A.  
attach est, and said not that A. non est in-  
ventus, and it was held good; but where he  
returns, that the Defendant **Nihil habet**, he  
must say, **Quod non habet ballivos nec  
ballivum nec est inventus in eadem**, &c.  
26 Ass. p. 33. Br. Ret. Brev. 68. Fitz. Ret.  
39.

The Sheriff returned, That the Bailiff of the  
Defendant was attached by Pledges, and did not  
return, that the Defendant *non est inventus*, and  
allowed to be good, and therefore it seems that  
the Attachment must be by Pledges. *Dalt.* 205.  
28 Ass. p. 40. Br. Ret. 70.

*There was a Retorn thus :*

Pledges **E. D. Infranominat' A. B. & C. D.** whereas it ought to be **E. D. Infrano-  
minat' Attach est per Pleg A. B. & C. D.**  
and though 3 or 4 Precedents were shewn as  
to the first Retorn; yet 40 were shewn for the  
other way. *Id.* *Dalt.* 205. 5 *Ed.* 4. Br. Ret. 93.  
*vide Comp. Sher.* 402.

Attaint,

3

to 10

S. H. B.

S. H. B.

## Album Style

**The Pa-**

**nel.**

ADJUST AT THE

## The Petty

Fury.

7 C. P.

**Aliter.**

७३. ३३.

77. 2.

張. 子.

**RECEIVED**

Ban. Reg. istius brevis patet in quodam Panello huic  
 brevi annex'.

Nomina 24 Milit' inter R. S. Quer' &  
 R. J. Def. A. B. C. D. &c. to the number  
 of 24.

Sum Jur' pdia' & eorum cujuslibet J.  
 D. R. J.

Manuapt' Sum pdia' & eorum utri-  
 usq J. P. R. C. C. D. C. G.

Nomina Jur' prime Inquisitionis unde  
 in brevi huic Schedul' annex' sit menca A.  
 B. C. D. &c. to the Number of 12.

Sum Jur' prime Inquisitionis & eorum  
 cujuslibet J. D. R. R. Vide Wilk. 126, 127.

The Grand Jury are to be warned the first  
 Day. *Finch. 485.*

And the Petty Jury must be all present when  
 the Grand Jury is taken. *Ibid.*

And the Sheriff must summon the Tenant to  
 appear at the Trial. *Fitz. 108. See Dalt. 206.*  
 where you may read more concerning the Na-  
 ture of this Return.

### Attachment.

Upon this Writ, the Sheriff may return,  
 That the Defendant is attached per Pleg, or is  
 attached by his Goods. *Dalt. 208.*

Infranomina' J. D. Attachia- } P. R.  
 tus est per Pleg. } J. W.

But he may not return, Plegii In- } S. B.  
 franomina' J. S. } R. R.

For this seems to be no good Return for want  
 of the word Attachiatus.

And



And it is said to be good, if the Sheriff shall Ban.Reg. but warn the Tenant or Defendant to appear and answer, and shall return Garnishment thereon. *Br. Attach. 9.*

But if the Defendant be a Beneficed Clerk, he must be warned by his Person, or by his Land, (if he hath any Lay Fee) but he may not be attached by his Goods. *Fitz. Ret. 23. and Finch. 135.*

Where the Sheriff attacheth one by Goods, he must in his Return set down the Certainty of the Goods in Specie, as also the Value of the Goods, *viz.*

*Infranomina*t' *J. S. Attachi*a't' est per unum bovem (or equum, &c. pretii 40 s. Dalton 208. 559. because the Cattel are forfeited to the King, if the Defendant makes Default. *Kitch. 257. b.*

*Aliter.*

*Infranomina*t' *A. B. & J. D. Attach* sunt & uterq; eorum per se *Attach* est videlicet *predia*' *A. B.* per unum equum pretii 10 s. Et *pdia*' *J. D.* per unum bovem pretii 30 s.

And where the Attachment is made of a living Thing or Things, it is said the Word must be *pretii*, and so of a dead Thing in the singular Number, but if it be of dead Things in the plural Number, then it must be *ad valenciam*, and not *pretii*.

*Nihil.*

Also the Sheriff may return quod *Infranomina*t' *J. D. Nihil* habet in balliva mea per quod *Attachi*ari potest, but then he must add

Ban.Reg. add further nec est invent' in eadem. Fitz.  
 Ret. 57. Dalt. 208. Thes. Brev. 168.

### Attachment upon Appeal.

**Non est inventus** is a good Retorn in an Attachment upon an Appeal of Death or Robbery.

Also the Sheriff may for Delay retorn, that the Plaintiff **non invenit Pleg de p's, &c.**

As——**I. f. que fuit uxor D. f. non invenit mihi plegios de p's ideo ad Executionem istius brevis nihil p me Actum est,** or he may execute the Writ without any Pledges, &c. *Dalt. 209. Kitch. 257. b.*

In a **Venire fac'** upon an Indictment, Presentment, or Information, **Nihil p quod, &c.**

**Infranomina't' A. B. nihil habet in balliva mea per quod Attachiari potest.**

R. S. Ar. Vic'.

Or thus——**Infranomina't' A. B. Attach est per pleg. I. D. & R. R.**

R. S. Ar. Vic'.

Also upon a **Capias de Appell de Mort'** Tarde was holden a good Retorn, and the Sheriff returned, **Quod breve adeo tarde tibi venit, quod illud exequi non potuit ppter brevitatem temporis.** 8 H. 4. 21. Br. 34.

### Attach. Camerario Com. Pal. Cestr.

**Respons' W. Com Verbi ac Camerari' Com Palatium Cestr'.**

**Virute istius brevis mihi direct' p aliud breve sigill' Com Pal' pdia' dedi in mandat' Coron' Com Cestr' videlicet D. R. & J. R. quod, &c. qui quidem Coronator' mihi respond**

respondi quod ceper' corpora infranominat' Ban. Reg.  
 E. B. &c. quorum corpora parat' hent ad  
 diem & locum infracentent' secund' formam  
 brevis illius Et quod ceteri Des. infrano-  
 minat' non sunt invent' infra Com' Civit'  
 Cestr' post recepton' brevis ill'. Brev. Ju-  
 dic. fo. 3.

per ipsum Camerar'.

Retorn' Attach' Camerario Com. Pal. Cestrie.

ff. Respons' M. Comit'is Verb' ac Ca-  
 merar' Com' Pal' Cestrie.

Virtute istius brevis mihi direct' p ali-  
 ud breve sub sigillo Com' pdia' dedi in  
 mandat' Coronato' Comit' Cestrie videli-  
 cet D. R. & J. R. quod &c. Qui quidem  
 Coronato' mihi respond' quod ceper' cor-  
 pora infranominat' A. B. &c. quorum cor-  
 pora parat' habent ad diem & locum in-  
 fracontent' secund' formam brevis h'c Et  
 quod ceteri Des. infranominat' non sunt  
 invent' infra Com' Civit' Cestr' post re-  
 cepton' brevis illius. Vide Brev. Judic. 3.

Per ipm Camerar.

Averia Elongat. Vide Capias in Withernam.

Averment five Inquisitio super parvis Exit. Re-  
 torn. per Vic.

ff. Inquisitio capt' apud D. in Com' D.  
 coram nobis A. R. & C. D. Justic' Dnd  
 Reg' ad Alcas in Com' pdia' capien' Al-  
 sign' die, &c. in presentia W. C. Vic' Com'  
 predict' in brevi h'ic Schedul' annex' spec'  
 Virtute brevis Dnd Regis nobis direct' &  
 huic Schedul' annex' per Sacram M. B.  
 (& al') qui dicunt super Sacram suu' qd  
 pdia' W. C. nuper Vic' Com' pdia' de ma-

M

jozi



**Ban.Reg.** jozibus Exritibus qm̄ de 6 s. 8. d. in bre-  
 vi illo specificat', viz. de 10 l. de Exrit'  
 Terre R. P. Ar' in dco brevi smilit' nomi-  
 nat' dco Dño Regi respondisse potuit a tem-  
 pore recepconis brevis de Distringas in  
 brevi huic Schedul' annex' spec' & eidem  
 W. C. nuper Vic' de Recoꝝdo deliberat' vi-  
 delicet 12 die Febꝝ' anno regni Dñd Re-  
 gis nunc 22 usque Recoꝝd ejusdem brevis  
 de Distring In cujus rei Testimonium  
 Nos prefat' Justic' ad Amas' huic Inqui-  
 sitioni sigilla nra apposuimus die loco & an-  
 no supradictis. Vide Thes. Brev. 144. with  
 References.

## Bill Midd', &c.

Non est invent' sur ceo.

Infranominat' D. G. non est invent' in  
 Balliba nra.

Respon. A. B. Mil. & C. D. Mil. Vic'.  
 Thes. Brev. 36. Wilk. on Greenwood 222.

Aliter.

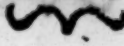
Infranominat' A. B. C. D. E. F. G. H.  
 non sunt invent' in Balliba mea nec eozd  
 aliquis est invent' in eadem.

R. S. Ar. Vic'.

Wilk. on Greenwood. Ibid.

Cepi.

Virtute hujus bꝝis Cepi corpus infras  
 nominat' A. B. cujus corpus coram  
 Dño

**Dñs Rege ad diem & locum infracontent'** Ban.Reg.  
parat' habeo pꝛout interius mihi pꝛecipit'.   
Wilk. on Greenwood, ibid.

Sur Latitat secundum Offic. Brev'.

**Virtute, &c. Cepi corpus infranominat'**  
**A. B.** cujus quidem corpus coram Dñs  
Rege infrascript' ad diem & locum infra-  
content' parat' habeo put interius mihi  
pꝛecipitur. Similiter. Kitch. 258. a.

Cepi & non est invent'.

**Virtute huj' hris Cepi corp' infrano-**  
**minat' A. B.** cuj' corp' cora Justie in-  
framentonat' ad diem & locum infracons-  
tent' parat' habeo put interius mihi pꝛe-  
cipitur Et ulterius certifico eisdem Justie qđ  
ceteri Def. non sunt invent' in balliva mea.

R. S. Ar. Vic'.

Wilk. on Greenwood, Ibid. vide postea.

Retorn. de Cap. alias & pluries ad respondend'.

These Writs may be retorned divers Ways, as  
the Case shall require. *Vide Dalt. 211. &c.*

**Infranominat' A. B. non est invent'** Non est  
in balliva mea. inventus.

Or—**Infranominat' A. B. & C. D.**  
**nec eorū alter, non est invent' in balliva**  
**mea.**

Or—**Infranominat' A. B. & C. D.**  
**non sunt inventi, &c.**

Or—**Infranominat' A. B. & ceteri**  
**Def. infranominat' non sunt inventi in**  
**balliva**

Ban. Reg. balliba mea. Vide Dalt. 211. Offic. Brev. 196.  
 Wilk. Lat. 119. Kitch. 258. a.

And if the Party be taken, or found, then thus:

**Virtute istius brevis mihi direct' Cepi corpus infranominat' A. B. cujus corpus coram Justic infrascript' ad diem & locum infracontent' parat' habeo put interius mihi pcepit'.**

But wheresoever the Sheriff retorneth Cepi corpus, if the Sheriff shall not have the Prisoner, so as he appeareth at the Day, the Sheriff shall be amerced. 11 R. 2. Fitz. Res. 14. vide Kitch. 257. b.

Aliter.

**Virtute istius brevis Cepi A. B. infrascript' cujus corpus coram Justic infrascript' ad diem & locum interius content' parat' habeo put brebe istud exigit & requirit, &c.**

Aliter.

**Infrascript' A. B. capt' est per corpus suu cujus corpus ad diem, &c. habeo parat' put interius mihi pcepit'.**

Aliter.

**Infrascript' A. B. captus est p corpus suu cujus corpus ad diem & locum infracontent' paratum habeo pout brebe istud exigit & requirit.**

When



When the Party is committed to Gaol, &c.  
before, then thus.

Virtute istius brevis mihi direct' Justic  
infrascript' certifico quod ante adventum  
istius brevis pdia' A. B. Captus fuit per  
J. C. Constabular' Ville de D. apud T.  
in Com D. p suspicon' Felonie Et ea de  
Causa in Gaola pdia' sub custodi mea de-  
tent' fuit, cujus corpus paratum habeo  
coram vobis ad diem, &c. infracontent' ad  
faciend' quod istud breve in se exigit & re-  
quirat.

Aliter.

Virtute istius brevis mihi direct' Justic  
infrascript' certifico quod ante adventum  
istius brevis J. S. Captus fuit (Ec.) Et  
in tali Prisona detentus Virtute cujusdam  
Querele vers' ipm p noen J. S. Ec. in  
placito debi super demand' 20l. in Cur', Ec.  
ad sextam A. B. levat', Ec.

Pro Condemnatione in pfito debi,  
Ec.

Pro Cap ad satisfaciend' in debito.  
Pro Arrearages de Accompt.

Here the true rea-  
sons ought to be  
shewn, and notwith-  
standing the Sheriff  
must have the Pri-  
soner in Court, or  
so as he appeareth  
at the Day of the  
Retorn.

The Sheriff returned, Quod ante adven-  
tum istius brevis pdia' A. B. fuit com-  
miss' per duos de Consilio Regis, Ec. cor-  
pus

Ban. Reg. **p**us tamen ejus coram Justic' infrascript' ad diē parat' habeo. Fitz. Att. 14.

And it is here said the Sheriff upon the *Capias* must arrest the Defendant, though he had his Body before, and must have the Body in Court at the Day.

Aliter & deliberat' pretextu alterius brevis.

**V**irtute, &c. Capi corpus A. B. infra nominat', &c. & ipm ad Gaolam, &c.

Posteaq; viz. tali die & anno pretextu cujusdam alterius brevis dñi Dñi Regis mihi direct' cujus transcript' vobis mitto huic brevi annex' pñia' A. B. a Prisona ill' delibari feci Et ideo corpus pñia' A. B. coram Justic' infrascript' ad diem & locum infracontent' habere non possum put interius mihi pñipit'.

This is doubted to be a good Retorn, for after he was arrested he ought to be delivered by the Court.

Aliter sur Superfedeas deliberat'.

**V**irtute istius brevis vobis certifico Qd postqñ istud breve mihi delibat' fuit ad capiend' R. C. & alios Def. in isto brevi spec' idem R. & alii infranominat' ptuler' mihi breve Dñi Regis de Supled' quod huic brevi est consut' Virtute cujus Supled' omnia.

Aliter.

**I**nfranominat' R. C. deliberabit mihi breve Dñi Regis de Supled' quod quidem breve huic brevi est annex' Ideo ulterius ad

## The New Retorna Brevium.

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ad Execucionem istius nil per me adum Ban. Reg.  
est.

These are held good Retorns, if the **Super-**  
**sedeas** was delivered before the Party ar-  
rested, but if afterwards, it is said he must  
be delivered by the Court. *Crompt. 145.*  
*Fitz. Ret. 16. vide Dalt. 212. & Offic. Brev.*  
*215.*

### Retorn' Ubicunque.

**Virtute, &c. cepi corp⁹ J. C. infranōiat'**  
**cujus corp⁹ coram Dñō Rege ubicunq;**  
**tunc fuit in Angl' ad diem & locum infra-**  
**content' parat' habeo put interius mihi**  
**pcipit'.**

### Languidus Retorn.

**Virtute istius hīs mihi direct' cepi corp⁹**  
**p⁹ infranōiat' J. S. qui quidm J. est**  
**in Prisona Dñi Regis de C. adeo lan-**  
**guidus quod ob metum mortis ipm co-**  
**ram Justic' infrascript' ad diem & locum**  
**infracontent' habere non possum put inte-**  
**rius mihi pcipitur.**

Or—**Cujus corpus adeo languid debile**  
**& infirmum in Prisona sub custodi mea re-**  
**manet quod ob met' mort' ejusdem J. S.**  
**corpus ejus coram Justic', &c.**

### Aliter.

**Qui quidem J. tantum vexat' infirmi-**  
**tatibus quod ipm sine magno mortis pi-**  
**cto ppter corporis sui debilitatem coram**  
**Justic'**



**Ban.Reg.** *Iustic' infrascript' ad diem & locum infra-*  
*content' here non possum put interius, &c.*

This is a good Retorn, if it be true that the Party be sick indeed: Yet a *Duces tecum* may be awarded to bring in the Prisoner; or else the Defendant, if he will appear, shall be received. *Libr. Intr. 400. Br. 100, 102, &c. Dalt. 211, 213. Kitch. 258. Wilk. on G. 223.*

That the Defendant was rescued, *Vide postea, Tit. Rescuss.*

That the Party is dead. This is made a *Quare* *Br. 125.* But it is allowed a good Retorn upon a *Corpus cum causa, Precipe quod reddat,* and *Scire facias, Bro. Ret. 125.*

*Tarde* upon a *Capias ad respond'*, is held no good Return; but the Sheriff shall be amerced therefore. *Vide Dalt. 210, 211.*

*Tarde.*

*Istud h'c adeo Tarde mihi delibari' fuit*  
*Qd' ppter temporis brevitatem execucon*  
*inde facere non potui put interius mihi*  
*scribitur. Wilk. on G. 227.*

Mandavi Ballivo retorn' sur Cap', &c.

*R. S. infranotat' non est invent' in bal-*  
*lia mea, Et quoad capiend' J. F. infra-*  
*notat' mandavi R. S. Ballivo Libtat' de*  
*S. qui plen' retord' het omnid' bz'ium*  
*& execucon eozundem cui execucon istius bz'is*  
*totalit' ptinet faciend' extra quam Libtat'*  
*nulla execucon istius bz'is inde p me fieri*  
*potest qui quide' ballivus mihi sic respond.*  
*Quod cepit corpus pd' J. F. cujus cor-*  
*pus*

pus p̄d̄ R. S. coram Justic Dn̄ Regis Ban. Reg.  
infrascript' ad diem & locum infracontent'   
parat' habebit.

Or thus: — Qui quidem Ballius nul-  
lum mihi dedit respons' (or the like as  
the Retorn is) Libr. Intr. 109. Dalt. 210, 211.  
Wilk. 133. Kitch. 257. b. 258. a. Wilk. on G.  
223.

Aliter Ballivo Libertatis.

ff. Virtute istius d̄revis mihi direct'  
mandavi Ballio Libtatis T. Dn̄ Epif.  
copi Winton' ad faciendū & arrestandū infra-  
nōiat' J. S. in forma infrascript' qui ple-  
num habet retornd̄ omnium Brevium & Pre-  
ceptoꝝ & Execucōn̄ eorundem infra Libra-  
tem p̄d̄ ac quod nulla execuō istius B̄revis  
fieri potest infra eandem Libtatem qui  
quidem Ballibus nullum mihi adtunc de-  
dit respons'. Offic. Brev. 199.

Vel sic: — ff. Qui mihi respondit qđ  
infranominat' A. B. non est invent' in Bal-  
liba sua.

Vel sic: — ff. Quod cepit corpus infra-  
nominat' A. B. cujus quidem corpus co-  
ram, &c. ad diem & locum infracontent'  
parat' habet ad faciendū ea omnia que istud  
b̄d̄ in se exigit & requirit. Offic. Brev. 216,  
217.

Retorn' Brevis de Cap' per non est invent'.

ff. Infranōiat' A. B. non est inven-  
tus in Balliba mea.

A. B. Ar. Vic'.



## The New Retorna Brevium.

Si sint tres Def. in Brevi, tunc sic :

**N. M. B. & ceteri Defendend infranominat' non sunt inventi in balliva mea.**

Retorn' Brevis de Capias si Laicus, quod Def. nullum habet Laicum feod'.

**N. Virtute istius brevis mihi direct' Jus sic infrascript' certifico Qd infranominat' M. B. Clericus est benefic' in Episcopat' Cantuar' null' habens Laicum feod' in balliva mea ubi potest fund.**

A. B. Ar. Vic'.

## Capias & Cape Grand.

**Quod cepit terras in manus Regis. Rast. Ent. 399. 2 Brownl. 59. Ash. 266.**

**Simile de redditu. Rast. Ent. 399.**

**Sur Cap ret' quod Def. fuit comiss' per Auditores. Rast. Ent. 18.**

**Per Vic Lond' Def. fuit prius capt' sub Iudicio in Cur', Vic', &c. Id 249.**

**Def. fuit prius capt' per Attach' Privileg' & postea onerat' per Cd Bd, &c. Co. Ent. 436.**

**Quod cepit corpora 2 Def. & tunc super sed de capone alior' Def. 22 H. 6. 46.**

**Rescuss extra Custod' subvic. Rast. Ent. 579.**

**Aliter per rescuss super ballibum cognit'. Ibid.**

**Simile super ballibum itinerand. Id. Rast. 580.**

**Simile**



Simile Retorn & Ballivum Libertatis. Ban. Reg.  
d. Rast. 659, Aliter ibid.

Def. mortuus sur Cap super Statut'  
mercato. Rast. 594.

## Capias Satisfac'.

Retorn' Cepi sur Ca' Sa'.

Virtute istius h'is mihi direct' cept'  
infranōiat' W. G. cujus quidem cor-  
pus cor Justie infrascript' ad locum in-  
tracontent' ad satisfaciendū infranōiat' R.  
G. de denar' infrascript' parat' habeo put  
interius mihi p'cipit'. Offic. Brev. 202, 219,  
Vide postea.

R. P. Ar' Vic'.

Special Retorn. de Ca' Sa' ubi Def. capt' est  
per un' Vic', & (in ejus exit' ab Officio)  
deliberat' successori, qui virtute Brevis de  
Superfed' permittit ipsum ire ad largum.

ff. Ego R. P. Armig Vic Com S. in-  
frascript' Dño Regi ad diem & locum in  
huius Schedule annexat' content' cer-  
tifico Quod ante adventum ejusdem h'ebis  
M. B. in dco h'ui nominat' capt' fuit in-  
tra Com pd & in prison dñi Dñi Regis  
Castri sui W. in Com pdia' sub calva  
custodia ejusdem nup Vic detent' virtute  
cujusdam h'is dñi Dñi Regis de capiendū  
hs dcm M. gerend teste apud Westm tñ  
die año (Ec.) & retornabil coram Justie  
dñi Dñi Regis apud Westm a die Sancti,  
Ec. tunc pr' sequend ad satisfaciendū C. D.  
Gen

**Ban. Reg.** **G**ed tam de quodam de bo quadraginta li-  
 bzaz qm de triginta solid p dampnis  
 unde idem A. coram pstat' Justie apud  
 Westm convida' fuit cujus quidem A. cor-  
 pus sic capt' & in Prisona pd sub custodia  
 dia' nup Dic ea occasione existend detent' Ego  
 pstat' R. P. Armig nunc Dic Com pd re-  
 cepi de pd nup Dic in ejus exitu ab Of-  
 ficio suo & ejus corp' p me pstat' nup Dic  
 sic recept' in Prisona pd salvo custodi' feci  
 quousq' postea scilt die & ano, &c. pd re-  
 cepi quoddam brebe dñi Dñi Regis de Su-  
 persedeas mihi direct', cujus tenor sequi-  
 tur in hec verba: Carolus, &c. Virtute  
 cujus quidem brebis de Supersedeas dem  
 A. ad largum ire permis dco brebi de Ca-  
 piend ad satisfaciend in aliqua non ob-  
 stante put p dcm brebe de Supersedeas  
 mihi inde pcipitur Ac p eo qd non fuit  
 aliqua alia causa capconis sive detenconis  
 pdia' A. in Prisona pdia' coram pstat' Dño  
 Rege ad diem & locum in dicto brebi huic  
 Schedule annexo content' parat' here non  
 possum put idem brebe in se exigit & re-  
 quirir.

R. P. Ar' Vic'.

Offic. Brev. 201.

Aliter in Ca' Sa'.

Virtute istius bdis mihi direct' cepi cor-  
 p' infranotiat' A. B. cujus corpus ad diem  
 & locum infracotent' parat' habeo. Plo.  
 441. Dalt. 213.

Aliter.

Aliter.

Virute istius brevis mihi direct' cepi corpus infranōiat' A. B. cujus quidam corpus coram Justic' infrascript' (or coram Dña Regina) ad diem & locum infrascript' parat' habeo, ad satisfaciendū infranōiat' C. D. de debito & dampnis infrascript' put interius mihi p̄cipit'. Dalt. ibid. Wilk. 136.

A. B. Ar' Vic'.

It is said, That where the Sheriff returneth *Cepi corpus* upon a *Ca' sa'*, he must be sure to have the Body in Court at the Day, otherwise he is chargeable for the whole Debt. *Br. Ret.* 107.

Yet if upon a *Capias ad satisfaciend'*, if the Execution be duly done by the Sheriff, and that the Plaintiff hath his Demand, though the Sheriff returneth not this Writ, it is of no Danger to him. *Dalt.* 213.

Upon a *Ca' sa'*, *Non est inventus* is a good Return. *Lib. Intr.* 109.

And so is *Nihil*. *Ibid.*

*Vide non est invent.* *sur Ca' sa'*, *Thes. Brev.* 123, 274.

It is said, If a Man be in Prison for Felony, and be attainted, and after a *Ca' sa'*, &c. cometh to the Sheriff against the Prisoner, he may return that the Party is attainted, and that therefore he cannot take him in Execution.

Or, The Sheriff, if he will, may serve the Execution; but then he must be sure to keep the Prisoner, notwithstanding any Pardon of the Felony. *Dyer* 179. *Dalt.* 214. *Vide Compleat Sheriff* 212. and *Wilk.* on *G.* 199, 200, &c.

See



**Ban.Reg.** See *Dalt. ibid.* where the Defendant was taken by one Writ of Privilege, and afterwards a *Ca' sa'* issued against him upon another Writ of Privilege, retornable after the first. The Sheriff at the first Retorn, brought the Party, and returned both the Writs; but that he did not intend to retorn the Execution before the Day, making special Mention of the first; and this was said to be well done, and politickly, to save himself harmless from an Escape, &c. And at the Prayer of the Plaintiff the Sheriff was discharged, and the Defendant committed in Execution to the Fleet. *Dyer 192.*

### Cap' Utl'.

*Non est inventus* is a good Retorn.

**Infranoiat' J. B. non est invent' in ballia mea Resid' execuc' istius brevis patet in quadam Inquisit' huic brevi annex'.**

**Cepi sur Utl'.**

**Virtute, &c. cepi corpus A. B. infranoiat' cujus corpus coram Justic' infrascript' ad diem & locum infracentent' parat' habeo put interius mihi precipit'—Resid' vero Execuc' istius brevis patet in quadam Inquisitione huic brevi annex'.**

*Note,* This Inquisition or Enquiry must be what Lands, Goods or Chattels the Party outlawed had the Day of the Outlawry, or any Time after.

An Inquisition, *Quod nulla bona.*

Inquisitio indentat' capi' apud, &c. Qui dicunt sup' sacram' suu' Et J. S. in dco h' d' n' otat' nulla bona neq' catalla terr' sive testa huit aut tenuit in Com' p' die Jovis p' post festum Sed B. a'no r'nd The R'ne nunc tertio in dco h' d' spec' nec unq' postea que in manib' dia' Dom Reg' capi ac seisc'ri possunt ad notie Jur' p' In cuius rei testimoniu' tam sigilla Dic' p' q' m' sigill' Jur' p' huic Inquisition' indent' sunt appensa Dat' die a'no & loco sup' dia'. Vide Dalt. 214. And see before, an Inquisition upon an Outlawry in Scaccario, and Offic. Brev. 205.

And upon a Cap' Utl, if the Party be found, the Sheriff shall take and put him in Prison without Bail or Mainprize, for that he had the Law in Contempt. *Idem Dalt.*

Also upon the Cap' Utl' the Sheriff may seize and keep his Goods. *Id.* 215.

Retorn concerning the Old Sheriff upon a Cap' Utl'.

Ante adventu istius h'is J. C. Mil' nup' Dic' Com' C. infran'iat' C. D. cepit & in Prisona D'nd Regis penes se detinuit virtute cujusdam h'ebis D'nd Regis dco nup' Dic' direc' quem quidem C. D. d'cus nup' Dic' unac' dco h' d' ei direc' mihi J. D. Mil' nunc Dic' Com' p' in ejus exit' ab Officio suo delibabit cujus quid' corpus ac h' d' dco nup' Dic' direc' Ego p'fat' nunc Dic' coram Justic' infrascript' ad diem & locum infracentent' parat' habeo ad faciend' &

Ban. Reg. & recipiendū quod dēn h̄ebe in se exigit & requirit. Wilk. 123. Dalt. 308.

Aliter.

Istud h̄e put superius indoꝛlat' simul, cum Inquisit' huic h̄e auct' 6<sup>o</sup> die M. aūo rnd Dnd Regis, &c. libat' fuit mihi A. B. Ar' Vic' C. infrascript' p J. C. M̄il nup Vic Com p̄d pdecessor' meū in exit' ab Officio suo.

'Tis said this last Retorn ought to be written in Roman Letters. Vid. Dalt. 308. & Greenw. 201, &c.

Upon a special Utl' vers. Clericum.

Infranoiat' A. B. Clicus in dēo h̄e nōiat' est beneficiat' ad Ecclesiam de M. in Com meo infra Dioces Ep̄d nullum h̄ens Laicum feod' nec aliqua bona seu catalla temporalia que in manus Dnd Regis capi aut seisciri possunt nec est invent' in eadem.

Offic. Brev. 221.

T. R. Mil' Vic'.

Also it is said, That upon a Cap' Utl' against an Infant of the Age of fourteen Years, the Sheriff may imprison him, and seize his Goods as forfeit. Dalt. 215.

Other Retorns.

Upon a Cap. Utl. Nihil is said to be a good Retorn. Li. Intr. 109. b.

That the Coroners are absent from the County. Ideo, &c. Id. 334, 336.

That



## The New Retorna Brevium:

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That no Coroner was there, except one, who <sup>Ban.Reg.</sup> refused to pronounce the Outlawry.

Upon the Exigent, That there were no more Counties. *Id.* 336.

*Quarto exactus, & non habuit tempus plus.* *Ibid.* See after  
*Supersedeas per un' & quarto exact'* against the for these,  
 other, and that there are not more Counties. *Id.* <sup>tit. Exi-</sup>  
 3, 6. <sup>gent.</sup>

*Supersedeas* against the one, and *Outlawry*  
 against the other. *Ibid.*

And he may be said to be taken and detained many  
 ways; As,

*Pro 10 l. debit' & ipm recuperat' in tli Cur.*

*Del capt' est p Precept' Dni Regis.*

*Del capt' est sup Recogn' fac' in Cancellar'.*

*Del capt' est sup Appell' p morte hois del*  
*de robozia, &c.* *Id.* *Dalt.* ut supra.

Detained for Trespass, or Felony, Excommuni-  
 cation, Money counterfeiting, Murther, Trea-  
 son, Outlawry, &c. See for these, *Kith.* 259,  
 260.

Also *Rescous*, it is said, may be returned, espe-  
 cially that he was rescued *per ignotos*, because  
 in such Case it doth not appear the Sheriff can  
 have any Writ of *Rescous*.

But if upon *Rescous* it appear otherwise, it is  
 said he shall be amerced, for he might have taken  
 the *Posse Comitatus* to have aided him therein;  
 and also in such case a Writ of *Rescous* lies against  
 the Offenders. *Fitz. Retorn.* 110. *Vide Dalt.*  
 217. See afterwards, *tit. Rescous.*

It is said a *Rescous* to a Sheriff's Servant, Bai-  
 liff Errant, or other Officer, is a *Rescous* to the  
 Sheriff himself; so that he may return it in the  
 Name of his Bailiff. *Br. Ret.* 66. *Dy. Eliz.* 241.  
*Dalt.* 218.

N

Cap'



## The New Retorna Brevium.

## Cap' Excommunicat'.

Vide ante in Canc', tit. Proclamation.

Upon a *Non est inventus*, a *Capias* with a Proclamation; and if the Party yield not his Person within six Days, upon the Sheriff's Retorn, the Offender forfeits 10 l. and so a *Capias Infinite* shall go out with like Proclamation, and a Forfeiture of 20 l. for every other Default, to be presently estreated, &c. St. 5 Eliz. 23.

If the Offender yield his Body, the Sheriff is presently to commit him to Prison, there to remain without Bail. *Ibid.*

And if the Sheriff retorn he hath not yielded his Body upon the Proclamation, where indeed he hath yielded, he shall forfeit to the Party grieved 40 l. &c.

The Sheriff need not bring the Body into the King's Bench upon the Retorn of the *Excommunicat' Capiend*, but only retorn the Writ thither; with a Declaration in brief how he hath served and executed the same. *Ibid.* & vide *Dak.* 217, 218.

## Cap' ad Valenciam.

Upon this Writ, the Sheriff is to summon the Defendant (*scil.* the Vouchee) to be before the Justices at the Day mentioned in the Writ, &c. and he is to return the Name of the Summoners.

Also the Sheriff is to seize the Lands of the Vouchee (*scil.* to such a Proportion as the Writ mentioneth) into the King's Hands, by the View

## The New Retorna Brevium.

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View and Valuation of lawful Men of that Ban. Reg.  
County, and is to return the Certainty of the  
Lands, and the Day of such his Seizure, toge-  
ther with the Names of those Viewers, and of  
the Summoners, under his Seal, as appears by the  
Writ in the *Register*, 12.

And this Seizure must be of such Lands and  
Tenements of the Defendant (or Vouchee) as  
he hath in Fee-simple by Purchase, or as shall  
descend to him in Fee simple. *Ibid.*

It is also noted, That upon this Writ against  
divers, the Sheriff returned that one of them  
had nothing, and that he had taken of the o-  
ther according to the Proportion: But for that  
the Sheriff cannot make a Proportion without a  
Warrant, he was amerced. *Fitz. Ret. 93. Dalt.*  
218. Vide postea, *Grand Cape & Petit Cape.*  
Vide *Greenw. 201, &c. Cap' ad Valenc' agard,*  
& Vic' return, *Qu nullas habet terras, Rast.*  
Ent 377. Vide here fac' seinand ad valenc'.  
*Rast. Entr. 687.*

## Capias in Withernam.

Brev' de Capias in Withernam.

¶ Virtute istius h'is mihi direa' pri-  
mo die Augusti a'no infrascript' cepti in  
Withernam centu' obes de a'hiis infra-  
ndiat' P. B. ad valenciam adion' prius  
capt' & eos infrandiat' J. B. deliberari  
fecit detinend' in forma infrascript' put in-  
terius mihi precipitur.

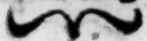
Vide Offic. Brev. 213. Vide postea, *Replevin.*  
*Wilk. 141.*

N 2

Capias



Bap. Reg.



Capias in Withernam, ubi nichil.

**N.** Justic' infrascript' ad diem & locum infracenti' certifico qd infranotat' A. R. null' habet aſia in balliva mea ad valenc' aber' infrascript' prius capt' que in Withernam capi possunt. Ideo aſia inframentat' infranominat' C. D. deliberare non possum put interius mihi precipitur.

Et ulterius certifico qd pdeus A. B. nihil habet in balliva mea per quod attach potest, Off. Brev. 216.

Pleg de p's J. D. A. A.

Capias post Cap' in Withernam, ubi Vic', retorn' Breve Execut'.

**N.** Virtute, &c. de aberiis infranominat' A. B. ad valenciam aberiorum infrascript' prius capt' in Withernam capi ac ea infranominat' C. D. deliberari feci put interius mihi precipitur.

Offic. Brev. 215, 235.

Et qd p'd A. R. attach est r

J. D.

A.

A. F.

A. B. Ar' Vic',

*Note, That by our Common Law, when any one taketh or driveth a Distress to a Hold, or out of the County, so that the Sheriff cannot upon a Replevin make Delivery thereof to the Party distrained; in such case the Writ of Withernam (which it is said signifies altera, five secunda Pignoris Captio) is directed to the Sheriff for the taking of as many of his Beasts that did thus*

thus distrain and drive, &c. or as much Goods Ban. Reg.  
of his, into his keeping, till that he hath made  
Deliverance of his first Distress. *Lamb. tit. eod.*  
*Cowel's Int. verb. eod. West. prim. cap. 20. Brit.*  
*cap. 27, Fitz. N. B. fo. 73. Reg. Orig. 82, &c.*

Averia Elongata.

Ante adventum istius b'vis mihi direct'  
averia inframentonat' elongat' fuer' p in-  
framinat' C. R. ad loca mihi ignota  
per quod averia ill' infranōiat' H. retoznd  
non potui Et p'dia' C. non est invent' in  
balliva mea.

Vide *Greenw. 231.* & vide postea.

T. R. Ar. Vic.

Ubi Averia Capt. mortua sunt.

Virtute istius b'revis mihi direct' Cept in  
Withernam apud B. in Com p'd infrascript'  
sex vaccas de averiis infranominat' J. S.  
& duas vaccas de averiis J. W. que qui-  
dem averia abinde fugare & abducere feci  
in quodam parco apud S. in Com p'dia'  
salvo & secure ibidem custodiend' secundum  
exigent' hujus b'revis ubi averia illa mo-  
riebant' Et p'dia' J. S. & J. W. nulla  
habent alia averia in balliva mea ad p-  
sens que ullo modo, &c. *Offic. Brev. 214.*

Pars Averiorum mortua resid. Retorn.

Iustic' infrascript' certifico quod ante  
adventum istius b'revis mihi direct' una  
vacca averion' infrascript' mortua est ita  
N 3 quod

**Ban. Reg.** qđ vaccam ill' infranominat' **B. C.** delibare non potui sed virtute istius brevis resid' averion' infrascript' infranominat' **C. D.** Retorn' feci put' interius mihi pcepit'. **Offic. 214, 235.**

Averia elongat. infra Quinq; Port'.

**Dño Regi** infrascript' ad diem & locum infrascript' certifico quod ante advent' istius brevis mihi direa' Averia infrascript' elongat' fuer' p infranomat' **J. C.** ad Paroch' hñ **J. B.** in insula **C.** in Com' meo, Que quidem Paroch' est infra Quinq; Port' ubi breve Dñi Regis non currit, Et ea de Causa Averia ill' infrascript' **S. S.** retornare facere non potui. **Offic. Brev. 216, 218.**

Parcell. aver' retorn' & resid' longat'.

Virtute istius brevis mihi direa' scit' tali die & anno infrascript' retornari feci infranominat' **R. D.** quatuor vaccas put' istud breve in se exigit & requirit, Et ulterius Justie infrascript' certi co qđ res ad averion' infrascript' elongat' sunt per pfat' **D. C.** ac infrascript' **J. J.** & al' ad loca mihi ignot' ob quod p'dict' resid' averion' r'dict' pfat' **R. D.** ad presens retornari facere non possum. **Brev. Judic. 266: Offic. Brev. 235.**

Sur secund' deliber' ubi null' averia retorn', &c.  
Et al' capt' in Withernam.

Justie infrascript' certifico qđ nulla averia infrascript' **W. R.** unde infra sit mento  
**J. B.**



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Ban. Reg.

J. B. retord feci per quod averia illi ei  
dem W. R. deliberare potui juxta formam  
huius brevis Sed ulterius dicit Justie  
certifico qd virtute brevis dicti Dni Regis  
nunc huic brevi annex' & mihi direct' in  
Wichernam cepi duas equas de averiis  
ipsius W. R. ad valent' averion R. H. per  
infranomina' C. W. capt' que deliberari  
fecit C. W. salvo & secur' custodiend' quo-  
usq' p'nt' W. R. alia averia sua per p-  
dict' C. W. prius capt' deliberare voluit  
juxta formam ejusdem brevis. Et quoad  
ulterius Ex: cuc istius brevis per me ni-  
hil agum est. Offic. Brev. 614. vide Kitch.  
262. b. 263. a.

Retorn. habend. ubi recepit breve de sc'da de-  
liberac'.

Post receptionem istius brevis & ante  
Executionem ejusdem recepi quoddam ali-  
ud breve del Dni Regis de secunda delibe-  
ratione mihi direct' quod huic brevi est an-  
nex' p quod Execution' istius brevis facere  
non potui put interius mihi precipit.

Secunda deliberac' p'rad. brevi de Retorn. ha-  
bend. annex.

Wleg de ps J. D. R. D.

Virtute Ec. deliberari feci infranomi-  
nat' A. B. averia infrascript' put interius  
mihi precipit.

J. Dehn.

N<sup>o</sup> 4

Intra

Ban.Reg.

Infranoninat' C. D. Attach est p R.  
fenn.

Vic'.

Vide Offic. Brev. 235. vide postea Replev'.

Retorn. brevis de secunda deliberac'.

Pleg de p' & de averiis retoznand  
H. D. R. f. Virtute istius brevis averia  
infrascript' infranoninat' J. D. delibari  
feci put interius mihi precipit', Et infra  
nominat' A. & B. Attach sunt p Pleg' J.  
W. R. S. &c.

A. B. Ar. Vic'.

Brev. Judic. 272.

Retorn. habend. Et averia elongat'.

Ante adveni' istius brevis mihi direc'  
averia infrascript' elongat' fuer' per infra  
nominat' B. C. ad loca mihi incognit' Ideo  
averia ill' infranoninat' D. C. retoznare  
facere non potui put interius mihi prei-  
pit'.

Regu' Execuc' istius brevis patet in qua-  
dam Inquisitio' huic brevi annex'.

Vic'.

Id. Offic. Brev. 235. vide Thef. Brev. 63.  
Wilk. 141.

Averia elongat. &amp; Cepi corpus for Damages.

Ante advent' istius brevis equa infra  
mentonat' p infranoninat' B. H. elongat'  
fuit ad loca mihi incognit' ita qd equam  
pda' infrascript' J. H. & H. retozn non  
potui

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potui sicut interius mihi precipit', Et ulte- Ban. Reg.  
rius inframentonat' Justic' certifico quod  
virtute istius brevis Cepi corpus infrano-  
minat' G. H. cujus corpus coram dia'  
Justic' ad diem & locum infracentent' ha-  
beo put interius mihi precipit',... Greenw.  
231.

R. S. Ar. Vic'

Aliter secundum Dalton 294.

Virtute istius brevis Cepi duas ollas  
ereas, duas patellas ereas, &c. de bonis  
& catallis J. H. in isto brevi nominat' in  
Withernam & ea W. B. infranominat'  
delibari feci, hendi eidem W. B. quo-  
usq' pdia' J. B. catall' pdi W. B. delibat'  
put breve istud in se erigit & requirit, Et  
ulterius vob' certifico, qd' pdia' J. H. in  
isto b' nōinat' habet nulla alia bona seu  
catalla, que in Withernam capi possint,  
aut que Attach possunt juxta tenorem hu-  
jus brevis.

Aliter.

Virtute, &c. Cepi in Withernam apud  
D. in Com' infrascript' 2 vaccas, &c. de  
averiis infranominat' J. D. & duas vac-  
cas de averiis R. T. infranominat' ad va-  
lenc, &c. que quidem averia pdia' abinde  
fugere & duci feci in quendam locum apud  
S. in Com' pdia' salvo & secur' ibid' custo-  
diendi secundum exigenc' istius brevis, ubi  
averia pdia' incumbent', Et J. D. & S.  
& nulla habent plur' libe alia averia ad  
presens in balliva mea que ullo modo in

Withernam



**Ban. Reg.** Withernam capere possum p[er] interius  
 mihi p[re]cipit. Idem. 295.

Aliter.

Virtute istius brevis cepi duas vaccas  
 & duas bobuculas de aberiis infranomi-  
 nat' R. D. & duas vaccas & duas bobu-  
 culas de aberiis R. quas delibari feci J.  
 C. infranominat' salvo & secute custodiend'  
 quousq[ue] alia aberia infrasp[er] ipsius J. C.  
 prius cap[er]e & ad loca mihi ignota trans-  
 missa delibare possum, p[er] interius mihi  
 p[re]cipit. Idem ibid. Kitch. 262, 263.

Aliter.

Infrascript' J. H. nulla habet aberia in  
 balliva mea que in Withernam capere pos-  
 sum, secundum exigenc[ia] huius brevis.

Aliter.

Infranominat' J. H. nulla habet bona,  
 catalla nec aberia in balliva mea que in  
 Withernam capere possum secundum exigenc[ia]  
 huius brevis, nec aliud habet in balliva  
 mea per quod potest Attachiat', ut est  
 indet' in eadem. Ibid.

Nulla sunt bona neq[ue] catalla in balliva mea  
 infranomi[n]at' J. H. que in Withernam capere  
 possum Et ideo p[re]stai' J. H. manucapit[ul]us  
 est per J. D. & A. R. Ibid.

Note, There is a Quare made of these two  
 last Retorns, and the like, for if the Sheriff of  
 Baliff makes Retorn; that the Party nulla habet  
 bona, &c. if such Retorn be made in the King's  
 Bench

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*Bench* or *Common Pleas*, the Plaintiff shall have *Ban. Regl* a *Capias* against the Defendant, and so Process to the Outlawry; but if the *Withernam* be awarded in the County-Court, upon such Return made by the Bailiff, the Plaintiff shall have *Alias & Pluries ad infinitum*; but no other Remedy. *Fitz. 74. c. d. Dyer 188, 189. Vide Br. 100.*

Upon this Writ Sheriff may return a *Tarde*. *Fitz. Jour. 34.*

And the Sheriff may either deliver the Beasts or Goods taken in *Withernam*, to the Plaintiff to keep, or may keep them himself, or may drive or send them to any Place within his County to be safely kept *quon q; &c. Fitz. 73. Dyer 59. & 181. Finch. 119.*

Also the Sheriff may return that he did not deliver the Cartel to the Plaintiff, for that he was not in the Country. *Dalt. 295.*

And though the Replevin were of Pots or Pans, &c. yet upon the *Withernam*, the Sheriff may take any Cattel or other Goods. *Fitz. Wither. 9.*

Also it is said the Sheriff may take Goods or Cattel to the double Value, and of any kind or Number and of any Value reasonable in his Discretion, or by the Estimation of Neighbours. *N B. 45. Fitz. Wither. 7. 1c. vide postea Replev.*

### Cerciorari & Certificate.

In Error. *Respon. f. p. Nil Capitalis*  
*Quic infranominat' Record & proces' re-*  
*superaconis unde infra sit menco cum om-*  
*nibus ea range coram Dno Rege ubi*  
*prunc, &c. ad diem infraconten' mitto in*  
*quodam Record huic hedi annex' put in-*  
*terius*

Ban. Reg. terius mihi precipit, f. D. Vide Thes. Brev. 109. & Vide ante int. Process, Cut. Cano.

Vide Cerciorari sur Plaint levie, Count sur ceo, Et deliverance gage, &c. *Id.* 275.

Vide Townsends Table, 75 & 438. Tit. Cerciorari, & vide Cornwall's Tables 88. & 418, Tit. Cerciorari, & vide postea hic ad finem libri, Tit. Retorn. Epi.

Cerciorari sur Attach in London retord inde. Thes. Br. 67.

Cerciorari de Bastardy. Rast. Ent. 29. 105. Dyer 313.

Simile Brev. Judic' 266. ut sequitur.

Bastardy. N. Honorabilibus & circumspiciendis viris Justic' Dni Regis apud W. R. permissione divina N. Ep'us saltem in eo qui est vera salus: Breve Dni Regis presentibus inclusit cum ea que decet Reverentia nuper recepimus & juxta exigentiam ejusdem brevis convocat' coram nobis de jure convocand' Rei veritatem de & super omnibus & singulis in dco brevi content' quatenus Ecclesiastici Fori cognitionem concernunt Auctoritate nra diligent' inquire fecimus Per quam Inquisitionem clare & evidenter nobis constitit Qd & legitime constat J. B. humod brevi nominat' fuisse & esse bastardum Que omnia & singula per Nos nra sigillo nro' sigillat' vobis constare fecimus. Dalt. &c. Vide Br. Judic. 266. Vide etiam Rast. Ent. 29. 105. Dyer 313. Vide Co. Ent. 405.

Simile de Bigamia. Rast. Ent. 106.

Simile



Simile de legitimo matrimonio ut sequitur.

ff. Ad quem diem hic veni tam p[re]dia  
C. q[uod] p[re]dia B. per Alii' suos p[re]dia Et  
p[re]terat Ep[iscopu]s ec. modo mand[atum] quod ipse  
Virtute b[re]vis p[re]dia sibi d[ic]ta ac autho-  
ritate sua ordinaria convocat[ur] coram se in  
hac parte convocand[um] Inquisitionem dili-  
gentem de & super rei veritate inde in om-  
nibus fieri fecit per quam rite & legitime  
comperi[er]it & eidem Ep[iscop]o evident[er] constabat  
Q[uod] matrimonium int[er] p[re]dia C. & p[re]fat[um] A.  
juxta morem & ritum Eccl[esi]e solemnizat[ur]  
fuit Ideo, Ec. Vide Brev. Judic. 266. Dyer  
305, 313, 368. 2 Brown. 65.

Aliter.

ff. Exce[ptu]m istius b[re]vis patet in Lite-  
ris nostris huic b[re]vi annex[is].

Venerabilibus viris Justic[is] D[omi]ni Reg[is]  
de Banco C. providencia divina N.  
Ep[iscop]us saltem in D[omi]no sempiternam Breve  
dia Dom[ini] Reg[is] p[re]sent[em] annex[is] omni qua  
decurrit reverentia nuper accepimus Virtute  
ejus b[re]vis vobis certificamus quod om-  
nibus & singulis in b[re]vi ill[is] spec[ie] rite &  
debi[us] & juxta Juris Ecclesiastici exigent[ia]  
observat[ur] & vocat[ur] in ea parte vocand[um] diligent[er]  
fieri fecimus Inquisition[em] de rei veritate de  
& super p[re]missis p[re]dia in b[re]vi illo con-  
tent[is] Per quam luculent[er] & evident[er] com-  
perimus per legitimas probaciones & at  
in hac parte canonice requisit[is] Q[uod] A. B.  
in b[re]vi p[re]dia nominat[ur] apud D. in Com[uni]  
S. in Dioces[is] N. C. B. in b[re]vi p[re]dia  
similit[er] nominat[ur] legitimo matrimonio co-  
pulat[ur].

**Ban. Ret.** pulat' fuit In cuius rei testimonium sigillum n<sup>o</sup> m<sup>o</sup> Epate presentibus apponi fecimus manu nra similiter hisce literis nostris ap<sup>o</sup> oit' quas clausas vobis p<sup>o</sup>fat' Justie transmittimus Dat' R. Palatio nostro Epate ibidem primo die mensis Oct<sup>o</sup>br<sup>is</sup> anno (Et) Vide Brev. Judic. 128.

## Certiorari:

Per Coronat<sup>o</sup> de Indictamento coram eo. Rast. Ent. 263.

Simile de Utlagaria. Rast. ibid.

Simile quod est nulla utlagaria. Rast. ibid.

Simile de H<sup>o</sup>l<sup>o</sup> quod Unus Coronat<sup>o</sup> p<sup>o</sup>esens ad Com<sup>o</sup> expectabit p<sup>o</sup>esentiam alterius qui postea ven<sup>o</sup> Et ipsi postulaver' a Dic<sup>o</sup> videre breve quod eis ostendere recusavit Et non ulterius tenuit Com<sup>o</sup> Ideo Utlagaria non fuit pmulgar'. Rast. Ent. 335.

Per Dic<sup>o</sup> London<sup>o</sup> de Utlagaria in debito. Mo. 185.

Per Dic<sup>o</sup> Ob<sup>o</sup> Def. p<sup>o</sup>otex' non est p<sup>o</sup>ofecus in Obsequium sed remanet intendens p<sup>o</sup>op<sup>o</sup> negotiis. Rast. Ent. 495.

Per Majorem & ballivos recordum Loquele missum. Rast. Ent. 548.

Simile quod est nullum recordum Loquele. Rast. ibid.

Per Justie ad Alias' de verbis omisis in Record<sup>o</sup> M<sup>o</sup>se misse in W. R. Rast. Ent. 291.

Cerciorar' de Original<sup>o</sup> Et retord<sup>o</sup> ne fuit ascun. 1 Lut. 854.

Simile

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Simile de Orig & Summons and brief Re-Ran-Reg-  
corn. Id. 855. Clif. 336.

Simile de brief de vicin que sur ceo est  
retorn. 1 Lut. 857.

Simile per Capital' Justic de C. B.  
2 Salk. 781.

Simile al Chief Justice sur Diminutions  
alledge Et les retornz inde. Id. 858.

A Certificate of Assize. Bro. Aff. 216.

Retorn Breve de Privileg certisp per  
Custod de Banco in hec verba. Clif. 317.

Aliter de Cerciorari p Custodi Breviarii  
de Banco. Id. 118. & 2 Salk. 762.

Cerciorari Justic pacis de certificazone  
recozd coram eis Et retorn inde. 1 Brown.  
123.

Direct al Court Leet de Hopn Et retorn  
de un presentm. 1 San. 134. 2 San. 290.

Certificate oze tenus per le Recorder de  
London devant Commission pur examind  
Errors. 2 San. 231.

Cessavit per biennium, Retorn' inde.

Virtute, &c. Justic infra-script' certifico,  
quod 20 die Maii anno regni (&c.) Cepi  
in manus Dñi Regis 3 Mess', &c. infra-  
script' per visum A. B. C. D. E. F. & G.  
H. pbozid & legatium homin de balliba  
mea put interius mihi pcepit'. Vide Dale.  
218.

This Writ lies where a very Tenant is be-  
hind for the Rent of his Lands by two Years to-  
gether, and no sufficient Distress may be found  
upon the Land, then the Lord may recover the  
Land, but if the Tenant come into Court be-  
fore Judgment, and tender the Arrearages and  
Damages,



**Bin. Reg.** Damages, and find Surety, that he shall cease no more in Payment of the said Rent, then the Lord shall be compelled to take the Arrearages and Damages, and the Tenant shall not lose the Land. *Vide Terms de la Ley & verb. eund.*

## Clericus beneficiat'.

**Ubi Clericus non habet Laicum feodum.**  
*Vide ante upon a special Utlagat' vers. Cleric'.*

*Aliter.*

**Wirtute istius brevis mihi direct' Justic**  
**infra-script' certifico Qu' infranominatus**  
**C. H. Clericus est beneficiatus in Episco-**  
**pato London' nullum habens Laicum feo-**  
**dum in balliva mea ubi potest Sum, nec**  
**est inventus in eadem.**

*A. B. Ar. Vic'.*

*Dalt. 219. vide postea Retorn' de Distring'.*

*Note, That in a Scire fac. against a Chaplain (or Clerk that is beneficed) upon a Recovery in a Quar. Imp. the Sheriff ought not to retorn quod Clericus est beneficiatus nullum habens laicum feodum, &c. for this it's said is not to be returned, but where a Distringas or Capias in Debt or Trespass goeth out; but in a Scire fac' the Sheriff hath nothing to do, but only to warn the Party by his Person: And yet if in a Scire fac', the Sheriff returns, Qu' est Clericus beneficiatus nullum habens laicum feodum, &c. Et quod non est inventus, &c. this is a good Retorn, for then he cannot*

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not be summoned, if he can neither be found Ban. Reg.  
nor hath a Lay Fee. *Fitz. 23. Dalt. 219.*

If the Sheriff retorns, That the Parson, ante  
**adventum brevis** or **post receptionem brevis**,  
or before the Retorn of this Writ, had re-assign-  
ed his Benefice, &c. **Et quod non habet nec**  
**habuit bona neq. catalla infra, &c.** these  
seem to be good Returns. 2 E. 4 fo. 1 Br.  
94. & 2 H. 7. fo. 10. Sed. 39. H. 6. *Fitz. Ret. 30.*  
contra.

In Trespasse or Debt against a Clerk, *Nihil ha-*  
*bet* is a good Retorn, and in a *Fieri fac'* to have  
Execution of the Arrearages of an Annuity, the  
Sheriff ought to retorn **quod nihil habet post**  
**receptionem brevis.** *Fitz. Ret. 30.*

In a **Quid Juris Clamat**, it's said, The  
Sheriff ought not to retorn, **Quod Clericus est**  
**non habens laicum feodum**, but he ought to  
distrain him upon the Land in Demand. *Id. Fitz.*  
59.

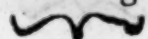
Also that in most Cases Clerks ought to be  
warn'd or summon'd by their Person, or if they  
have any Lay Fee, by their Land; but if the Of-  
ficer cannot find him to summon him by his Per-  
son, nor that he hath Lay Fee whereupon to  
summon him; Then the Sheriff may retorn,

**Quod est Clericus beneficiatus nullum**  
**hens laicum feodum, &c. Nec est in-**  
**ventus, &c.** and that then the Plaintiff  
shall have a Writ to the Bishop, that he  
cause his Clerk to come, and the Bishop  
shall cause him to come by Sequestration of  
the Church. *Id. Dalt. 219.*

O

Aliter

Ban.Reg.



Aliter quod est Clericus Beneficiatus sur Fieri  
fac', &c.

Infranominat' C. I. Clericus est bene-  
ficiatus in Dioces' Ebor' nullū habens  
laicum feodum in balliva mea unde infra-  
mentonat' 20 s. fieri seu levare possint put,  
&c.

M. S. Mil'. Vic'.

Brev. Judic. 272. vide postea Distringas, Ex-  
tent, &c.

### Covenant.

It is noted, That in a Writ of Covenant, no  
Writ of Attachment ought to be, because the  
Parties ought to appear personally in Court. *Regist.*  
165.

Also in a Writ of Covenant, whether it be to  
levy a Fine or otherwise, the Sheriff may re-  
turn thus:

Pleg de Prox' } J. Doe.  
                              } R. Roe.

Sum infranominat' } J. R.  
J. S. (the Defend'.) } W. G.  
Dalt. 220. Offic. Brev. 196. Wilk. 123.

But it is said in a Writ of Covenant to levy  
a Fine, *Nihil* seems to be no good Retorn, for  
that the Sheriff ought to summon him in *Terra*  
*petita*, 10 H. 6. *Fitz. Ret.* 12. *Br. Ret.* 122.

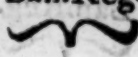
But in other Writs of Covenant, *Nihil* is said  
to be a good Retorn. *Fitz. Ret.* 12.

Also



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Also that in a Writ of Covenant the Sheriff Ban.Reg. may summon the Defendant by his Person. Br.   
Sum. 1.

Also in this Writ, *Mandavi Ballivo Libertatis* may be returned. *Intr.* 133. b.

Or that *Clericus est nullum habens laicum Feodum, nec bona laica in balliva sua, unde aliquid fieri possunt.* *Ibid.* 138. vide Dalt. Vic. 220.

## Debt.

Retorn of an Original in Debt.

Pleg de P<sup>ro</sup>s } J. Denn.  
                  } R. Fenn.

Sum infrañoiat' } J. S.  
R. S.                   } R. G.

A. B. Ar' Vic'.

If the Defendant be insufficient, then thus :

Pleg de P<sup>ro</sup>s R. S. J. M.  
Infranominat' A. B. nihil habet in  
balliva mea per quod Sum potest.

Or thus——Infranominat' A. B. &  
C. D. (and if more than two, & ceteri Def. in-  
franominat') nihil habent nec eorū alter  
nihil habet in balliva mea per quod Sum  
possunt.

A. B. Ar. Vic'.

Dalt. 221. Offic. Vic. 196. Kitch. 257. a.

Ban.Reg. Yet *nihil habent* is good without saying  
*nec eorū alter, &c.* and so *nihil habet* is a  
 good Retorn without saying *nec habuit postre-*  
*ceptionem brevis*, or *nec habuit die quo, &c.*  
 for it shall be intended. 29 H. 6. Fitz. Ret. 30.  
 vide Dalt. 221.

But in this Writ it is no good Retorn, that the  
 Defendant hath paid the Debt. 2 H. 7. fo. 8.  
 Fitz. Ret. 34. Dalt. *ibid.*

### Other Returns.

*Attachiatus est per Pleg or per bona,*  
*&c.* Intr. 207.

*Clericus est beneficiatus, &c.* Intr. 189.

*Mandabi Ballivo.* *Ibid.*

*Cepi bona per parcelle que reman p de-*  
*fali' Empro.* Id. 164.

*Nulla plura bona, &c. in balliba unde*  
*residuum, &c.* *Ibid.*

*Nulla bona seu terr', &c.* *Ibid.*

*Non est inventus retornd sur Capias, or*  
*Cepi corpus.* Vide Dalt. 221.

### Decies tantum.

This is a Writ that lieth, where a Juror in  
 any Enquest taketh Money of the one Part, or  
 the other, to give his Verdict, then he shall pay  
 ten times as much as he hath received; and eve-  
 ry one that will sue may have an Action, and  
 shall have the one half, and the King the other  
 half. *Vide Terms de le Ley, & Cowel Interp. in*  
*verb. eisdem.*

Retorn

Retorn inde.

Iustic' infrascript' certifico, quod infra-  
nominat' N. B. ad diem & locum infra-  
content' coram vobis parat' habeo ad faci-  
end' & recipiend' quod Cur' Dñi Regis in-  
frascript' de eo cons' secundum formam  
istius brevis. Vide Dalton 222.

Detinue.

In *Detinue* where it is awarded that the Plain-  
tiff shall recover the Thing demanded, he shall  
have a *Distringas ad deliberand'*, &c. and the  
Sheriff may thereupon retorn Issues, or *Nihil* as  
the Truth is. *Br. Chart. de Terr. 34. Lib. Intr.*  
212. a.

But in a *Distringas ad deliberand'*, it seemeth  
to be no good Retorn, that there are no such  
Goods. *Br. 89.*

The Sheriff in *Detinue* is to take Pledges *de*  
*Prof.* of the Plaintiff, and he must also summon  
the Defendant to appear at the Day.

Upon a *Distringas-ad deliberand.* a Writ to en-  
quire of the Value, the Sheriff is to inquire by a  
Jury, and to retorn what Damages and Costs  
the Plaintiff hath sustained, and also what the  
true Value of the Goods detained be. *Libr.*  
*Int. 212. 215. 218. Dalton 222.*

Also the Sheriff may retorn, *Mandavi Ballivo*  
*Libertatis, &c. qui nullum dedit responsum. Li.*  
*Int. 125. c.*



Ban. Reg.

Also he } Non est inventus, nec aliquid  
may return. } habet, &c. or  
Nihil habet, &c. nec est inven-  
tus.

Li. Int. 217, 218. Dalt. 222.

## Retorn de Detinue sur Inquisition.

Inquisitio (&c.) coram C. C. Ar' Vic  
Com p'dia' virtute brevis Dom Reg' ei-  
dem Vic direct' & huic Inquisitioni annex'  
per Sacram J. P. (&c.) qui die sup Sa-  
crum suum Qd p'dia' C. G. in dicto brevi  
nominat' non deliberavit P. H. in brevi  
p'dia' nominat' octo quarteria hordei in  
eodem brevi specificat' Ac quod eadem octo  
quarter' hordei valebant 8l. juxta verum  
valorem ejusdem Ac etiam quod p'dia' quer'  
sustinuit dampna occasione detention' p'dia'  
octo quarter' hordei ultra mis', 20 s. & p  
mis', 10 s. In cujus, &c. Brev. Judic. 271.

## Devastavit.

It is observed, that in an Action of Debt a-  
gainst Executors or Administrators, if it shall ap-  
pear that they have paid Legacies before Debts,  
or shall pay Debts upon simple Contracts, before  
Debts upon Specialties shall be discharged, or shall  
pay Debts before they be due, &c. these are a  
Devastating by the Executors, &c. and thereupon  
Judgment shall be given against the Executors,  
&c. that the Plaintiff shall recover against them  
of the Goods of the deceased, and if there be  
not sufficient of the Testator's Goods left, &c. then  
Execution shall be *de bonis propriis*, upon a *Scire fac'*  
against

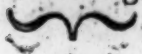
against the Executors, &c. *Br. Exec.* 71, 81. *Ban. Reg.*  
*Dalt.* 222. 5 *Co.* 28. *b. Vaughan* 94, 95. *Cro. Eliz.* 734.

So if the Executors shall plead *ne unques Executors*, &c. and that be found against them, Judgment shall be given against them *ut supra*.  
*Br. Er.* 108. *Terms del Ley & Cow. Int. verb. eod.*  
*Hob.* 269. 1 *Sid.* 397. 412.

*Fieri feci* as to Part, and *Devastavit* retorn'd.

*Virtute istius brevis mihi direct' cepi in manus meas diversa bona & catalla que fuer' infranominat' H. S. tempore mortis sue in manibus infranominat' R. O. & H. ur' ejus Execut' Testid' pdict' H. administrand' existend' ad valenc' 37 l. parcell' debi infrascript', Que quidem bona & catalla remanent in Custod' mea p' defectu emptor' Et ulterius Justic' infrascript' certifico qd' pdict' R. O. & H. diversa bona & catalla que fuer' p' dict' H. tempore mortis sue ad valenc' resid' debi & dampn' infrascript' vendider' & devastaver' & denar' inde p'benien' ad usus suos prop' convertuerunt ita quod resid' debi & dampn' infrascript' de bonis & catallis ejusdem H. S. levare seu fieri facere non possunt, Et ulterius Justic' p' certifico, Qd' pdict' R. O. & H. Ur' ejus nulla habent bona seu catalla de bonis & catallis suis propriis in balliva mea unde resid' debi & dampn' infrascript' aut aliquam inde parcell' fieri facere possum prout interius mihi precipit'.  
*Vide Dalton* 222, 223. *Offic. Br.* 204. *Wilk.* 140.*

Ban. Reg.



*Note*, Execution is awarded against Husband and Wife, she being a Stranger Executrix, after a *Devastavit* retorn'd against them, the first of them that dies, and his or her Executor and Administrator is discharged, and the Charge lies only on the Survivor of them, and his or her Executor or Administrator. 1 *Sid.* 337. 467.

Where the Waste of the Wife is the Waste of the Husband. *Cr. Car.* 603. *vide postea*.

By the Statute of 30 *Car.* 2. *chap.* 7. Executors of any Executor by Right or Wrong, or of any Administrator that wastes the Goods of the deceased, shall be chargeable as their Intestate or Testator would have been, if living.

It is said, when Judgment is given against Executors *de bonis Testatoris*, and the Goods are wasted, the Way is not to enquire by Enquest, but upon the *Scire facias*, the Sheriff returns *nulla bona*, and the Plaintiff may have a Special Writ of *Fieri facias*, that the Sheriff levy the Debt *de bonis Testatoris*, and *si sibi constare poterit*, that the Executors have wasted, then *de bonis propriis*, 5 *Co.* 32. *Petifer's Case*; and this whether it be by Jury finding Assets, or upon *Nihil dicit*.

Also that an Action in the *Debet and Detinet*, lies against Executors in the Declaration, that he hath wasted the Goods after the first Judgment, (without any Retorn of the Sheriff) and need not go the tedious Way by Inquisition, and the Waste in such Action may be strongly traversed. *Sid.* 397. *Wheatly and Lane*.

Also that a Sheriff must return a *Devastavit*, if the Executor charged himself by his own Plea, as where Judgment is given against an Executor upon Demurrer, and Execution awarded, the Sheriff

Sheriff  
The



## The New Retorna Brevium.

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Sheriff it is said cannot retorn *Nulla bona Testato-* Ban.Reg.  
*ris*, but is to retorn a *Devastavit*, for *per Cur.* he hath charged himself by his own Plea. *Cr. Eliz.*  
 302. *Stubb's Case.*

If a Man that takes an Executrix to Wife, wastes the Goods, It is a *Devastavit* in the Wife, for it was her Folly to take such a Husband as would make a *Devastavit*.

Also if there be a Recovery against Baron and Feme upon a *Devastavit*, if the Baron survive the Wife, he shall be charged, and if the Wife survive, she shall be charged, but if the Recovery be against them both in the Life of the Feme, and she dies, the Baron shall not be charged. *Cro. Car.* 374.

Aliter, *Retorn of a Devastavit secundum Greenwood, 233, &c.*

Ego H. S. Vic Com infranōiat' Justie  
 inframenc' certifico Qd infranōiat' A. B.  
 ante advent' istius hōis devastavit & ad  
 usum suū pp' convertit disca bona & ca-  
 talla que fuer' infranōiat' F. G. tempore  
 mortis sue ad valenc' debi & dampnoꝝ in-  
 frapce & que ad man' & possessionē ipsius  
 A. B. Executor' ejusdem F. G. adminis-  
 trand' debener' ita qd debm & dampna pō  
 bel aliquam inde parcelle de bonis & catal-  
 lis pō Testator' pfat' F. G. levare seu fieri  
 facere non potui Et ulterius certifico Justie  
 pō qd infranōiat' A. B. null' habet bona  
 seu catalla de bonis & catallis suis pp'is  
 in ballia mea Unde dampna pō fieri facere  
 possum.

R. S. Ar. Vic'.

*Aliter.*

Ban. Reg.



*Aliter, by Inquisition, secund' eund', & Sci.  
feci retorn'.*

Infrandiat' A. B. nulla habet bona seu catalla que fuer' infrandiat' C. D. tempore mortis sue in manib' suis administrand' in ballia mea unde fieri facere possum debm & dampna inframenc' vel aliquand' inde parcell' nec ulla bona seu catalla de bonis & catallis suis pp' in ballia mea unde fieri facere possum dampna p'd vel aliquam inde parcell' Et ulterius certifico Justie infrasp' Qd per C. J. & C. R. probos & legales homines de ballia mea scire feci eidem A. B. qd sit coram Justie p'd ad diem & locum infracontent' Ad ostend', &c. prout interius mihi precipitur.

Resid' Executon' istius b'is patet in quadam Inquisitione huic b'revi annex'.

R. S. Ar. Vic'.

Inquisicio indentat' cap't' apud A. in Com p'd 22<sup>o</sup> die Jan. ano r'ni D'ni Regis infrascript' 14<sup>o</sup> coram me R. S. Dic' Com p'd virtute b'is dia' D'ni Regis mihi direct' & huic Inquisitione annex' p' sacram C. D. (Et.) p'boz & leglium homin' de ballia mea qui dicunt sup' sacram suu' Qd A. B. in p'd b'revi no'iat' devastabit & ad usum suu' pp'd convertit dista bona & catalla que fuer' infrandiat' C. D. tempore mortis sue ad valenc' debi & dampnoz in eodem b'revi specificat' Et que ad mand' ejusdem A. B. administrand' debent In cuius rei testimonium tam ego p'fat' Dic' quam p'd Jur' huic Inquisitione indent' alter,

# The New Retorna Brevium.

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alternatim sigilla nostra apposuimus eis, Ban.Reg.  
dem die & anno primo supradicti.

R. S. Ar' Vic'.

The Sheriff retorn'd an Inquisition that the Wife, Executrix to her former Husband, had wasted during her Widowhood, &c. and that her now Husband had not wasted any of them; and the Jury prayed the Discretion of the Court, *Si devastaver'* according to the Writ. The Sheriff's Retorn was held good enough; and it was adjudged for the Plaintiff. *Cro. Car.* 438.

Aliter sur Devastavit.

J. Justic' infrascript', &c. certifico Quod infranominat' L. G. post mortem infranominat' H. P. habuit dicta bona & catalla in balliva mea que fuerunt p'dicti H. P. tempore mortis sue in manib' p'dicti L. G. administrand' ad valenciam debiti infrascript' sed ante adventu istius h'ris mihi direct' p'dicti L. G. dicta bona & catalla que fuerunt p'dicti H. P. tempore mortis sue in balliva mea ad valenciam debiti infrascript' que ad manus p'dicti L. G. debenerunt devastabit & ad usum suu' p'p'iu' convertit p' quod debet' & dampna infrascript' seu aliqua inde parcellam ullo modo fieri facere non possum put interius mihi p'cipitur. *Offic. Brev.* 220. Vide postea, Tit. *Fa.*  
A. B. Ar' Vic'.

Aliter, secund' Brev' Judic' 259. vers. Adm'.

Justic' infrascript' certifico Quod dicta bona & catalla que fuer' infranominat' W. B. tempore mortis sue ad valenc' debi & dampn' infrascript' post mortem p'dicti W. ad



Ban. Reg.

ad manus infraſcript' A. debener' admi-  
niſtrand' Qd̄q; eadem A. eadem bona & ca-  
talla ante advent' h̄revis iſtius devaſtavit  
& ad uſum ſuū pp̄d convertit p̄ quod de-  
bm & dampnū p̄d de bonis & catallis p̄d  
fieri facere non poſſum put̄ interius mihi  
p̄cipitur.

The Sheriff returned *Elongavit* the Goods of  
the Teſtator, and held as good as if he had re-  
torn'd that the Executor *devaſtavit*. 1 *Sid.* 397.  
See more for theſe Things in the *Law of Execu-*  
*tors*, Chap. 17.

Aliter *Devaſtavit* prout compert' coram Capital'  
Juſtic' apud Guildhall.

Virute iſtius h̄is nobis direct' Juſtic'  
infraſcript' certificamus Qd̄ infranominat'  
J. H. die impetrat' B̄is Original' in-  
franominat' ſciſt (ſi die & año) h̄uit in  
manib' ſuis diſſa bona & catalla que fuer'  
infranōiat' C. H. tempore mortis ſue ad-  
miniſtrand' ad valenciam 100 Mercarum de  
debo infraſpec' Unde eidem W. de debo in-  
fracontent' ſatiſfeciffe potuit (apud L. in  
Paroch' & Ward in Parr' p̄ed W. men-  
nat') prout compert' fuit ad Nd̄ Pd̄ a-  
pud Guildhall Civit' L. p̄ ſacram p̄boz  
& legalium hominū ejusdem Civit' coram  
C. A. Mil' Capital' Juſtic' Dñi Regis de  
Banco associat' ſibi W. R. per ſoznam  
Statut', &c. Que bona & catalla p̄d dñs  
J. H. ante emanatōem iſtius h̄is Devaſta-  
vit & in uſū ſuū pp̄d convertit per quod  
denat' ille infracontent' aut aliquam inde  
parcell' fieri facere non poſſumus Et ulte-  
rius

rius qđ pđ J. H. inter recepconem hujus Ban. Reg. hys & retozđ ejusdem nulla habuit bona seu catalla de bonis seu catallis ppđ in balliva nostra unde dampna ill' infraspē aut aliquam inde parcell' fieri facere possumus juxta formam istius brevis, &c. M. 6. Jac. Rot. 14. Vide Brev. Judic' 263. Vide postea:

Nulla bona in manibus W. L. jun' & A. H. sed devastavit vers' A. & quod nulla bona A. propr'.

Justic' infrascript' ad diem & locum infrascript' certifico qđ infranōiat' W. L. jud & A. H. nulla habent bona seu catalla que fuer' infrascript' C. L. tempore mortis sue in manib' suis administrand' in ballia mea Unde debm & dampnū infrascript' fieri & levare possint Sed eidem Justic' certifico qđ pđ A. H. oīa bona & catalla que fuer' pđ C. L. tempore mortis sue in ballia mea que ad manus ipsius A. H. debem devastabit & ad usum suū ppriū convertit Neciam qđ idem A. non het aliqua bona sua ppđ unde dampnū pđ fieri seu levare possint. Id. Brev. Judic. 265.

Aliter spec' Retorn' Devastavit sur Fi. fa. post Verdict'.

Sur Fi. fa. de bonis & catallis que fuer' R. S. le Vic' retozđ.

Qđ bona & catalla que fuer' pđ R. tempore mortis sue sufficiē ad satisfaciendū quer' dampna pđ ultra bona & catalla sufficiē

Ban. Reg. ficiend ad satisfaciend cuidam H. B. de  
 W de bo & dampnis p ipm T. Hs' p'fat' M. re-  
 cupat' post mortem p'd R. ad manus ipi-  
 us M. D. debener' put ad Risi prius  
 apud Guildhall L. coram G. E. Capital'  
 &c. associat' sibi &c. p formam Statut'  
 edit' & pvis p Veredem Patrie inde capt'  
 nup comperi' fuit Que quidem bona & ca-  
 tallia p'd M. post mortem p'd R. & ante ad-  
 vent' h'is p'd in usum suum pp'd conber-  
 tit Sic q'd debm &c. T. 10 Jac. Ro. 2518.  
 Thef. Brev. 274.

And here it is nored thus: *Multum dubitatur:*  
 An Vic' sur Fi. fa. de bonis Testatoris, lou est  
 trove per Verdict que le Def. ad biens, doit re-  
 torn Devastavit ou nemy; Et videtur quod doit  
 ceo Retorn, car appiert quod tempore Verdicti il  
 ad biens, & tunc & adhuc habet. Et tunc Vic'  
 doit retorn, Fieri feci, aut non habet; & tunc  
 prima facie Devastavit: Mes tamen le Court ne  
 voil compel le Vic' de retorn Devastavit; Quia  
 quelcunq; retorn il fait, Facit suo periculo. Vide  
 postea, Fieri facias.

## Disceit.

In a Writ of *Disceit*, it is said, If the Sher-  
 riff retorneth one Summoner to be dead, it is good,  
 and the other Summoner shall be examined, &c.  
 And if it be found that the Sheriff made no Sum-  
 mons, &c. the Party shall be restored to his Land.  
*Fitz. N. B. 98. Dalt. 223.*

*Super Iudicio per default in Forimodon*  
*Longa Quinto. Ed. 4. 98,*

*Distringas*



Distringas.

Nichil super Brevis de Distringas.

ff. Infranciati' A. B. nichil habet in  
ballia mea p quod potest distringi vel p  
quod ipm distringere possum.

R. O. Ar. Vic'.

Si sufficiens sic:

ff. A. B. Manucapi' infra? J. D.  
nominat' A. B. } A. A.

Erit' 3 s. 4 d.

A. B. R. Vic'.

Dalt. 223. Offic. Brev. 197.

Retorn' per modo Vic' de Distring' vers. seipm'.

ff. Infranominat' A. B. & ego A. B.  
Ar' Vic' Comd p'd sumus una & eadem p-  
sona & non alia neq; diversa Ideo meipm  
distringere non possum prout interius mihi  
pripitur. Offic. Brev. 202.

A. B. Ar' Vic'.

Retorn' Brevis de Distringas Jur'. Vide  
postea, Venire facias.

If there be divers Defendants, the Retorn is  
thus: 40 d. 40 d.

C. D. A. B. &c. districti sunt & quilibet  
eor' districtus est p terr' & catalla sua scē-  
dnd

**Ban. Reg.** dñd formā huius bzis Unde Erit' prout patet supius in eorū Capitibus & manueap-  
 ri sunt & quilibet eorū manucaptus est per se viz. per J. D. J. S. P. H. qđ sint & eorum quilibet sit ad diem & locum infra-  
 script' iuxta tenorem huius bzis, &c. Vide Dalt. 223.

*Aliter, Nihil retorned.*

**J. f. infranōiat'** nihil habet in ballia mea p quod nec ubi potest distringi.

*Aliter.*

**J. f. infranōiat'** nihil habet in terris tēstis & hereditament' infrascript' p quod ipm distringere possum. Vide Dalt. 223.

*Aliter in Audita Querela, secund' Dalt. 559.*

**Infranōiat' A.** nihil habet in ballia mea p quod distringi potest nec est invent' in eadem.

*Aliter.*

**Non** habet aliqua terr' seu tēsta bona seu catalla in ballia mea per quod distringi potest.

*District' est per bona.*

**Infranōiat' A.** districta' est p unū equū pccū s l. Et silit' infranōiat' B. districta' est p unam peciam panni ad valenc' 10s.

*Manu*

Manuapt' A. & B. & utriusq' eorū

J. Doe. Ban. Reg.  
p se  
R. Roe.

Vers' Execut'. 40 d. 40 d. 40. d.

A. que fuit uxor B. R. infrascript' Exec' Testd C. D. J. S. al' Exec' Testd pū B. & C. S. tertius Exec' Testd pū B. districi sunt & eorū quilibet p se separatim distric' est, juxta formam hujus b'is Unde Exic' puti patet supius in Capitibus eorūdem & eorū quilibet manuaptus est p se, viz. p quatuor manuaptos node A. B. C. D. E. F. & G. H. & non sunt plures Executores Testd ejusdem B. nec heredes ejus fuer' in Comitatu put aliquo modo ad plens mihi constare potest. Vide Kitch. 266. b.

Distric' est p catalla ad valen' 20 d.  
Pleg' de p's J. D. R. R.

Vide Dalt. 223.

And it is to be noted, That in this *Distringas* the Sheriff must always retorn Issues upon the Defendants, to compel them to appear; which Issues must be more than the Costs of the Plaintiff's Writ of *Distringas*: yet they ought to be reasonable. *Fitz. Amerc. 3. Br. 120.*

Also the Defendant must find Manuaptors for his Appearance.

And it is observed, That in a Writ of Account, upon the *Distringas* the Sheriff retorn'd Manuaptores, *Et quod non sunt Exitus*; and it was adjudged a good Retorn. *Fitz. Ret. 120.*

In an Attaint, upon the *Distringas* the Sheriff cannot retorn that the Defendant is dead. *Br. Ret. 1. 18. H. 8. 5.* Otherwise he may.

P

In





# The New Retorna Brevium.

211

"have any Lay-Fee". *Finch* 135. *Averment. sc. Ban. Reg.*  
 If the Sheriff retorn, *Quod est Clericus beneficiatus non habens laicum feodum*, Process shall go out to his Ordinary to make him to come by the Issues of his Benefice. *Dalt.* 224.  
*Vide ante, Clericus beneficiat' & Covenant.*

Tarde retorned.

*Quoad Distring' infra script' A. B. es-*  
*sendi coram Justic' infra script' ad diem &*  
*locum infra content' istud h'c adeo tarde*  
*mihi delibat' fuit quod ppter temporis*  
*h'ebitatem execucon' inde facere non potui.*  
*Dalt. ibid.*

It is noted, That in a *Distringas per omnes terras suas ita quod habeas corpus ejus, &c.* the Sheriff must return Issues upon the Defendant, and not *Distrixi, &c.* *Br.* 24. *Dalt.* 224.

Ret' *Distring'* vers' Hundred' sur Hue and Cry.

*Manucapt' infranotat' homin' inhitat' in Hundred de O. infra script'.*

*Exit' 40s.*

*Thef. Brev.* 143.

*J. Doe.*  
*R. Roe.*

Retorn' Brevis de Inquirend' super Statut' Westm' 2 cap. 46. de eis qui noctanter sepes prostraver', &c. And this Writ being at the Suit of a private Person, must be indors'd,

*Pleg' de p's* } *J. Doe.*  
*E*  
*R. Roe.*

*Vide Dalt.* 554.

P 2

Inqui-

Ban.Reg.

**Inquisitio indentat' capt', &c. Virtute**  
 h'is d'ei Dñi Regis ad inquirendū Qui  
 malefactores & pacis Dñi Regis pturba-  
 tores apud R. in Com p'd vi & armis se-  
 pes & fossat' H. W. ibid p ipm nup lebat'  
 noctanter (aut tñi tempore) quo facta eoz  
 scir' non credebant prostraber' ad grave  
 dampnū ipsius H. W. eidem Dic' direct'  
 & huic Inquisitioni annex' p sacram, &c.  
 pboz, &c. Qui dic' sup sacram suū qd  
 quidam malefactores & pacis d'ei Dñi Re-  
 gis pturbatores 21<sup>o</sup> die Aug' a'no, &c. a-  
 pud, &c. vi & armis 70 pticat' sep & fos-  
 sat' p'd H. ibid nup ante tunc p ipm lebat'  
 noctant' aut tñi tee quo facta eoz scir' non  
 credebant pstrassent contra pacem d'ei Dñi  
 Regis. Sed qui vel quis sepes & fossat'  
 p'd pstrasset vel pstrassent Jur' p'd penitus  
 ignorant. In cujus rei testimonium, &c.  
 Simile Thes. Br. 154.

Retorn' Brevis de *Distringas* propinquas Villat'  
 sepibus prostrat' circumadjacen'.

Indorse on the Back of the Writ, — Ma-  
 nucapt' separat' inhabitand de C. F. G.  
 (naming every Vill) existent' ppinq Villat'  
 lat' septib' & fossat' infrascript' cir-  
 cumadjacend.

J. Doe & R. Roe,  
 Erit' inhabitand de C. — 5 l.  
 Erit' inhabitand de F. — 5 l.  
 Et sic de cæteris Vill'.

Tarde inde Retorn'.

Et ulterius Dño Regi certifico Qd istud  
 b're adeo tarde mihi delibat' fuit qd ppter  
 brevis



bzebitat' temporis dampna in Inquisitōne Ban.Reg.  
huic bdi annex' mentonat' eidem Dño Re-  
gi restituere non possum. Resid' Executō-  
nis istius bdis patet in Inquisitōne p̄  
huic bdi annex'.

Inquisitō, &c. dicunt sup sacram sum  
ad H. W. in bdi huic Inquisitōm annex'  
nōiat' sustinuit dampna occōne in eodem  
bdi spec' ad 801. In cuius rei, &c. Vide  
Dalt. 554.

And Note, If the Sheriff omit any of the  
Vills that are circumadjacent out of his Retorn,  
the rest have an Action against him for so doing.  
Dalt. ibid.

Aliter secundum Thes. Brev. 155.

Pleg de ps } J. Doe  
                  } &  
                  } R. Ree.

Eric' terrarū inhabitand de B. C. D. E.  
f. pquinquarū Villarum sepibus in-  
frascript' 40s. separatim.

Resid' Executōnis istius bdis patet in  
quadam Inquisitōm huic annex'.

W. W. Ar. Vic'.

Inquisitō indentat' capt' apud Castrum  
G. in Com G. die, &c. año, &c. coram me  
W. W. Ar' Dic Com p̄ Virtute bdis  
Dñi Regis mihi direct' & huic Inquisitōm  
annex' sup sacram A. B. (&c.) p̄borum &  
Regium hominū Com p̄ qui sup sacram  
sum dic qđ f. C. Ar' in brevi p̄ nominat'  
sustinuit dampna occōne p̄stratōnis p̄ 60  
pticat'

Ban.Reg. pticat' repagul' (Ec.) in eodem bzebi men-  
 tonat' ad valenc' 20l. In cuius rei testi-  
 moniu' tam ego p'fat' Dic' quam Jur' p'p'  
 huic Inquisitioni sigilla nostra apposuimus  
 die & año sup'dict', Ec.

W. W. Ar. Vic'.

Qd' Def. Nichil habet in Com' per quod  
 distringi potest sed satis habet in alio Com'  
 M. 1 E. 3. 13.

Qd' Def. Archidiaconus Nichil habet de  
 Laico feod' per quod distringi potest. Kitch.  
 267.

Qd' Vir & uxor sunt district', Ec. Et  
 alius Def. district' per Catall', Ec. Et  
 separatim manncapt' p' pleg'. Rast. Ent.  
 504.

Distringas Jur' & appon' decem tales.  
 Co. Ent. 249.

Retorn' plur' distring' Jur' in repleg' Et  
 qd' Dic' (amor' un' Jur') appon' un' ali-  
 um p'bum hominem in loco suo. Hans.  
 Ent. 254.

Distringas in Admensuratione Dotis.  
 2 Brownl. 26.

Distring' in Ejec'one Custodie. 2 H. 4. 1.  
 Simile in a Writ of Waste. Boo. Act. 12, 14.

## Dower.

*Admeasurement de Dower; vide ante Admea-  
 surement.*

Retorn' Summons in Dote.

Pleg' de p' J. Doe R. Roe.  
 Summon' R. v. J. J.

# The New Retorna Brevium.

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Et ulterius Justic' infrascript' certific' Ban.Reg.  
 Quod virtute istius b'ris mihi direct' ad mari-  
 ma usual' Ostia Ecclesiarum de B. & M.  
 sup diem Unicum scilicet quarto die Sept'  
 año infrascript' immediate post Divinū Ser-  
 viciū & Predicationē in eisdem Ecclesiis  
 finit' proclamari feci summonitionem pā  
 secundū formam Statut' in humod Casu  
 edit' & p'vis'.

Brev. Judic. 259. Wilk. 124. & Greenwood  
 228.

Aliter Retorn' Sum' in Brevi de Dote.

ff. Pleg' de ps'. } J. Doe  
 &  
 R. Roe.  
 Sum' A. B. infranōiat' C. D. E. E.

ff. Et ad maxime usual' Ostium Eccle  
 Parochial' de P. infrascript' sup diem  
 Unicum scilicet 4m diem Julii año infra-  
 script' immediate post Divinū Serviciū  
 (nulla Predicatione adtunc & ibm existen-  
 te) publice pclam feci secundum formam  
 Statuti put istud b'reve in se exigit & re-  
 quirat.

A. B. Ar. Vic'.

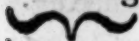
Dalt. 224. Of Brev. 200.

So that upon this Writ the Sheriff must first  
 summon the Defendant upon the Land.

After that, he is to proclaim the Summons at  
 the Church-door of the Parish where the Land  
 lieth. And then he must retorn all, as before.



Ban.Reg.

Retorn' Brevis de *Petit Cape* in Dote.

¶ Virtute istius bzis, &c. die & anno, &c. infrascript' cepi in manibus dñi Dñi Regis tertiam partem tenentorum infrascript' cum pñd put interius mihi p̄cipitur.

A. B. Ar'. Vic'.

Dalt. ibid. Offic. Brev. ibid.

Upon the *Petit Cape*, the Sheriff must summon the Tenant to answer his Default only, and not to answer to the Demandant.

And upon the *Petit Cape*, the Sheriff is to seize the Lands into the King's hands fifteen Days before the Retorn. *Fitz. Grand Cape* 19. *Br. ibid.* 36.

Virtute istius brevis mihi direct' 15<sup>o</sup> die Apr' anno infrascript' cepi in manibus Dom' Reg' p visum J. G. & A. C. p̄borum & leglium homin' de ballia mea tertiam partem unius Mess. 30 acr' terre & decem acr' prati cum pñd in p̄. infrascript' put interius mihi p̄cipitur. *Brev. Judic.* 258.

*Note*, Quod ibi dicitur Retorn' del *Grand Cape*, & simile ibid. 272. de tertia parte tertie partis. *Greenw.* 228.

Retorn' Brevis super visum in Dote.

¶ Justic' infrascript' certifico Qd virtute istius bzis mihi direct' habet' feci infranominat' A. B. visum de tertia parte tenentorum

teutozum infrascript' in p'sentia C. D. C. Ban. Reg.  
 f. G. H. & J. K. quatuor Mil' ex illis qui  
 visui illi interfuerunt Et ulterius certifi-  
 co qd dixi quatuor Mil' pd qd sint coram  
 Justic' infrascript' ad diem & locum in-  
 fracontent' ad testificand' visum illum put  
 p h'rebe pdict' mihi p'cipitur. Dalt. 225.  
 Of. Br. 201, 220. Wilk. 125.

In *Dower*, if the Demand be of a Rent, the  
 Land, &c. out of which the Rent is issuing,  
 shall be put in View. Vide *Fitz. Dower* 113.

Demand of the third Part of an Office, and  
 Demand of the View of the Place where the  
 Office was. Vide *Fitz. View* 90.

Aliter de visu.

Virtute, &c. haber' feci infranominat'  
 M. C. visum de teutis infrascript' cum  
 p'rid Et dixi J. B. A. B. L. M. & G.  
 H. quatuor Militibus ex illis qui visui ill'  
 interfuer' essend' coram Justic' infrascript'  
 ad diem & locu' infracontent' ad testificand'  
 visum ill' prout istud b'de in se exigit & re-  
 quirir.

A. B. Ar. Vic',

Brev. Judic. 272.

Quod nullus ven' ad habend' visum.

Certifico qd infranomat' M. nec aliqua  
 persona vel p'sone p' eo vel ex parte sua  
 non venit mihi meove Subdic' vel Depu-  
 tat' meo ad hend' visum de Manerio in-  
 frascript' cum p'rid Ideo non potui cau-  
 sare

Ban.Reg. fare ipm W. habere visum de Manerio ill'  
 put p bpe illud mihi pcepitur.

Quod nullus ven' ad monstrand' visum.

Nullus ven' ad me ex parte infranomi-  
 nat' R. F. ad monstrand' mihi visum de  
 pastur' infralpec' Ob quam causam visum  
 pastur' ill' infrascript' R. F. habere face-  
 re non potui. Kitch. 272. a.

Retorn of a Writ of Seisin in Dower.

Executio istius bdis patet in quadam  
 Schedul' huic brevi annex'.

Virtute istius bdis mihi direct' primo  
 die Augusti año infrascript' habere feci  
 T. L. plenar' seisinam de tertia parte ten-  
 torum infrascript' cum ptiā (videlicet) de  
 uno Messuagio uno Gardino & uno Po-  
 mario & decem acris terre arabilis cum  
 ptiā scituat' jacent' & existent' in Paroch  
 de L. in Com' pdict' tenend' eid' T. L. in  
 separalitate p metas & bundas nomine to-  
 tius Doris ipsius T. L. de tenentis infra-  
 script' cum ptiā ipsi T. L. post mortem  
 M. L. nup viri sui contingend' prout inte-  
 rius mihi pcepitur. Offic. Brev. 213.

Vide postea, Habere fac' seisinam.

Aliter secundum Dalt. 225, 226.

Executio istius bdis patet in quadam  
 Schedul' huic bdi annex'.

Justic



Justic' Dñi Regis certifico quod virtute Ban.Reg.  
 te brevis Dñi Regis mihi direct' & huic  
 Schedul' annex' 108 die Augusti anno, &c.  
 habere feci P. B. vid' in bñi pñ nominat'  
 plenar' seisinam de tertia parte Manerii  
 de B. cum pñ in eod' brevi spec, viz.  
 de una Aula & Coquina de duobus Sho-  
 pis in tenur' dict' P. cum libert' ingress'  
 & regress' ab & ad easd' necnon de supe-  
 riori parte domus manconal' in tenur' D.  
 C. ab introitu & Austral' ac de uno Clau-  
 so separal' vocat' A. continend' p estimacōm  
 quinq' acr' ac de quatuor acr' pastur' ja-  
 cent' in bozeal' sine unius Clausi vocat' B.  
 ac de una acr' pastur' vocat' C. in brevi  
 spec tenend' pñat' P. B. in separalitat' p  
 metas & bundas nomine totius Dotis  
 ipsius P. ad ipam P. attingend' de toto  
 Manerio in dñō brevi spec put per bñe pñ  
 mihi pñpitur.

A. B. Ar. Vic'.

Vide Offic. Brev. 200. Wilk. 134, 135.

Aliter secundum Dalt. 558.

Virtute istius brevis mihi direct' & huic  
 Schedul' annex' tñi die & año her' feci P.  
 D. & M. ur' ejus in bñi pñ nominat'  
 plenar' seisinam suam de tertia parte ter-  
 rarum & tenozum cum pñ in eodem bre-  
 vi specificat' videt' de una aula uno parvo  
 introitu uno porticu uno conclavi (&c.  
 naming the Particulars) necnon de duabus  
 accis & dimid' unius acr' terre cum pñ  
 in brevi pñ content' jacend' & existend' (&c.)  
 ac modo vel nup in tenura sibe occupacō-  
 ne pñ J. F. vel assign' suorum cum liber'  
 ingressu

**Ban. Reg.** ingressu & regressu in ad & ab eisde tenendi  
 p̄fat' R. & A. in separalitate p̄ metas & bun-  
 das nomine totius Dotis p̄d A. ipsi p̄fat'  
 A. de censuris in brevi p̄d specificat' post  
 mortem P. L. in eodem h̄di nominat' con-  
 tingend' p̄out per breve p̄d mihi p̄cipitur.

Seinā in Dote ne molendina habend'  
 per quemlibet tertium mensem. 11 Co. 25.

Carde sur seinā in Dote Et Inquisitio  
 Retorn' p̄ dampnis. Clif. 303.

Vide postea Seisin.

And here it is observed as follows, viz.

*Note,* The Sheriff for his own Safety, before  
 he makes Retorn of this Writ, shall take the  
 Hand of the Attorney who prosecutes the Writ,  
 to the Draught or Copy of this Retorn, thereby  
 desiring the Sheriff to make the Retorn, and de-  
 claring therein that he and his Client will be  
 therewith content. *Id.* 559.

So that the Sheriff in *Dower* is to make Execu-  
 tion, and to put the Wife in Seisin of the third  
 Part, by Metes and Bounds, if he can. *Co. Lit.*  
 32, 34.

And yet in some Cases the Sheriff is to assign  
 the Wife her Dower to hold in Common *per my*  
*& per tout*, and not by Metes and Bounds, as of  
 Lands held by her Husband in Coparcenary or  
 in Common: So of the Profits of a Mill, of  
 Common of Pasture, or of an Office. *Fitz.*  
*Avowry* 91. *Fitz. Ent.* 75. *Affize* 435. *Fitz.*  
 149. *J. K. Co. Lit.* 32.

In *Dower* or three Manors of three Acres,  
 the Sheriff may assign to the Wife one entire Ma-  
 nor, or one Acre for all; and he may assign the  
 whole Manor with the Avowson, or he may as-  
 sign the third Part of each, and the third Pre-  
 sentment to the Advowson. 12 E. 4. *Br. Dow-*  
*er,* 72.

The

The Writ to the Sheriff was to deliver the Ban.Reg. Wife ten Marks *per annum* in Land and Rent, and the Sheriff delivered her in Land five Marks *per annum*, and five Marks in Rent issuing out of the Land whereof she was dowable, and holden good. *Br. Dower* 61.

Upon the Recovery of a third Part of a Manor in Dower, the Sheriff may assign to the Wife a Copyhold with other Lands.

And the Sheriff may put the Wife in Seisin by a Clod, or by an Herb, or by any Beast being upon the Land. 40 *Ed. 3. Fitz. Dower* 38. but the Woman may not use the Beasts.

Upon an *Habere fac' seisinam in Dote*, the Sheriff returned, that he offered the Demandant *seisin' de tertia parte, &c.* by Metes and Bounds, and that she refused it, this is said to be a good Retorn: But if the Sheriff in the Beginning retorn, *Qu' here fecit seisinam*, (shewing the Parcels) *que omnia obtuli deliberare, &c.* but she refused it, this is repugnant and void. *Dy. 278.*

It is no good Retorn for the Sheriff to alledge *Nontenancy* in him whom the Writ mentioneth to be Tenant.

If the Sheriff shall deliver to the Wife the Moiety of the Land in Execution for the third Part, there seems no Remedy against the Sheriff, but a *Scire fac'* against the Wife. *Br. Extent. 13. & Fitz. Execut. 265.*

Also it is said, the Sheriff may execute this Writ, that is, he may himself assign the Thirds to the Wife, without any Jury. *Co. Lit. 32, 34.*



Ban. Reg.

The Retorn of a Writ of Enquiry of Damages  
in Dower, where the Tenant died seized.

Executio istius bdis patet in quadam  
Inquisitioe huic brevi annexa.

Inquisitio indentata capit apud Cantas  
bdis in Com pds 12<sup>o</sup> die Januarii anno, &c.  
coram me A. B. Ar. Vic. Com pds virtu-  
te bdis Dni Regis mihi directa & huic In-  
quisitioe annexa p sacram C. D. E. f.  
G. H. (&c. to the Number of Twelve at least)  
qui dicunt sup sacram suum Qd infranomi-  
nat' W. H. quinto die Jan' ano &c. apud  
H. in Com pds obiit seisc' in dnico suo ut  
de feodo de & in tentis infraspec' Et qd  
tentia pds sunt clari annui valo' in oibus  
exit' ultra reppis 20s. Et qd sex anni &  
tria quarter' unius anni dilabantur a  
tempore mortis pds W. H. Et qd infra-  
nominat' J. D. sustinuit dampna occone  
Dotis sue infraspec' ad valenc 10l. In  
cujus rei testimonium tam ego pstat' Vic'  
quam Jur' pds huic Inquisitioe sigill' no-  
stra alternatim apposuimus die anno &  
loco supdictis, &c.

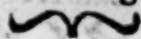
A. B. Ar. Vic'.

Dalt. 227. Vide Brev. Judic. 105, 259. Wilk.  
139.

*Note,* That upon a Writ of Enquiry of Da-  
mages, if the Jury will find no Damages, and the  
Sheriff maketh his Retorn accordingly, though  
the Retorn be not good, yet the Sheriff shall not  
be amerced for this Default of the Jury. *Br.*  
*Ret. 26. Fitz. Ret. 66.*

And yet by others it is a good Retorn, that  
the Jury have found no Damages; for the She-  
riff

riff retorneth what they did. 44. E. 3. 3. Finch Ban.Reg.  
229. Vide Dalt. 227.



Retorn' ubi nemo venit ad monstrand' visum.

Iustic' infrascript' ad diem & locum infrascript' certifico Qd nullus ex parte infranominat' T. B. venit ad monstrand' mihi visum de Mess' &c. p'd' Ideo visum &c. tenet' infrascript' eidem T. B. habere facere non potui put interius mihi p'cipitur. Vide Of. Brev. 214.

Aliter de Breui de Seisina in Dote & Inquisicon' superinde de Dampnis, secund. Brev. Judic. 260.

Virtute, &c. tñ die & año, &c. infrascript' habere feci infranominat' T. plenat' seimam de tertia parte tenet' in eodem bñd spec' videit de, &c. tenend' eid' T. in separalitat' p metas & bundas noie totius Dotis sue ip's de tenement' infrascript' post mortem J. D. in bñd nominat' contingen' put interius mihi p'cipit'.

Res' executio istius bñd patet in quad Inquisicon' huic bñd annex'.

Inquisico indentat' capt' apud T. in Comd p'd' coram me R. C. Ar' Vic' Comd p'd' virtute cuiusda' brevis ejusdem Dñi Regis mihi p'fat' Vic' direct' & huic Inquisicon' annex' p sacram T. J. &c. qui die' sup sacram suu' Qd p'd' J. D. in p'd' bñd huic Inquisicon' annex' tempore mortis sue fuit seic' in dnico suo ut de feodo de & in tenetis in eodem bñd spec' cum pertid'

Ban. Reg. pertin' Et qđ eadem teñta cum ptin' ba-  
 ſent p annu' in oib' exit' ultra reppis' 5l.  
 Et qđ quatuor anni elapſi ſunt a tempore  
 mortis ejusdem J. Et qđ T. G. in eo-  
 dem h2d noiat' ſuſtinuit dampna octone  
 detençõd Dotis ſue in dco h2d ſpec' ad 10s.  
 & p miſs' &c. 6s. In cuius rei, &c. Hill.  
 25. Eliz. 2239. Vide Brev. Judic. 105.

Aliter.

Execuçõ iſtius brevis patet in quadam  
 Schedul' (vel quadam Inquiſitõd)  
 huic brevi annex'.

W. H. Ar. Vic'.

Virtute iſtius brevis Dom' Reg' huic  
 Schedul' annex' tñ die & anno haber' ſeci  
 E. H. &c. prout interius mihi precipitur.  
 Inquiſitõ indentat' cap't, &c.

W. H. Ar. Vic'.

Vide Brev. Judic. 260.

Aliter de Seisin infra Libertat', & Ballivus null'  
 dedit respons'. Et Inquiſitio ſuperinde de  
 Dampnis, ut ante. *Id.* 262.

## Droit.

Retorn. in Brevi de Droit.

Que le Plaintiff invenit ſibi Pleg' de Claim' ſuo  
 pros' Et vid', &c.

Que le Defendant ſummonit' fuit per, &c.  
*Intr.* 243. *Dalt.* 227, 228.



It is there noted, That a Jury in a Writ of Ban. Regi  
Right is called, *The Grand Assize*, being four  
Knights or others, chusing a Jury of Seven  
(or more) unto them.

Retorn' Sum' quatuor Milit', &c.

Virtute istius brevis sum feci R. C.  
Mil' & C. N. Mil' duos Milites Gladiis  
Cinctos de Comd mea essend' coram Justic  
infrascript' ad diem & locum infracentent'  
ad eligend' put h' illud in se exigit & re-  
quirit. Et non sunt plur' Milites in bal-  
liba mea Ob quod sum feci F. H. & C. P.  
Armigeros ad eligend' simulcum Militib'  
p' put breve p' in se exigit & requirit J.  
B. & W. S. Sum. Brev. Judic. 266.

J. P. Ar'. Vic'.

Aliter.

Justic'. &c. Qd' non sunt aliqui Mil' in  
balliba mea, set virtute brevis mihi di-  
recta sum per bonos sum J. R. &c. qua-  
tuor Armigeros Gladiis Cinct' de Comd  
meo p' sint coram, &c. ad diem & locum  
infracentent' ad faciend' & eligend' super  
sacramentid' sum 12 de leglib' h' h' put  
illud breve in se exigit & requirit. Sum'  
R. G. H. B. M. Sum' p'dicta' & eorum u-  
triusq' R. S. R. W.

T. F. Ar'. Vic'.

Brev. Justic. ibid.

If the Plea be removed by *Pone* out of the  
County into the Court of Common Pleas, the  
Sheriff

Ban.Reg. Sheriff needeth not to retorn the Tolt whereby  
 the Plea was removed out of the Lord's Court,  
 to the County-Court, &c. *Fitz. Rec. 1 c.*

The Retorn of the Bailiff of the Court may  
 be thus:

Ad' p'dia' T. (Def.) Nihil habet in bal-  
 liba mea per quod potest Attachari nec  
 habet ballibum, nec inventus est. Lib.  
 Intr. fo. 242. b. vide Dalt. 228.

Aliter Sum' in Magna Affisa.

Virtute istius brevis mihi direct' Sum  
 feci A. B. Mil' C. D. Mil' E. M. Mil' F.  
 G. Mil' quatuor legales milit' in Com  
 meo gladii cinctos p' A. & B. ballibos  
 meos essendi coram Justic' infrascript' ad  
 diem & locum infracent' ad faciend' in  
 omnibus p'ut istud brebe in se exigit & re-  
 quirat.

Sum p'dia' & eorū uterq' Manu capit' est  
 per H. J. & C. R.

A. T. Mil. Vic'.

Brev. Judic. 266.

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Ducens tecum.

Virtute istius brevis mihi direct' in pro-  
 p' persona mea fui coram Dño Rege in-  
 frascript' ad diem & locum infracent'  
 ducens

The New Retorna Brevium:

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ducens merum infranominat' C. G. put Ban.Reg.  
interius mihi precipit'.

T. G. Ar'. Vic'.

Offic. Brev. 220.

Estate pbanda. Vide Dalt. Offic. Vic.  
228. and Quære for the Use,

In Ejectione Firme.

Pleg de p'os { J. Doe.  
                  { R. Roe.

Infranominat' A. B. Attach est per  
Centum oves precii viginti Librarum, or At-  
tachiatur est per Pleg. B. C. D. E.

Nihil.

Infranominat' C. D. & F. Nihil ha-  
bent in balliva mea, per quod Attachiari  
possunt. Vide Dalt. 229.

Ejectment.

Original inde ove retord Vic. Bro.  
Red. 366.

Vide postea Tit. Habere fac' possessionem  
Trespas, &c.

Note, The Precipe or usual Original Process in  
Ejectment in B. R. is thus:

Midd. ff. Si A. B. fecerit se securum  
tunc pone C. D. nuper de J. in Com tuo  
Gen de placito quare vi & armis quatuor  
Q 2 Messuag



**Ban.Reg.** Messuag cum pertin in A. que B. A. p. fat' A. dimisit ad terminum quod nondum pterit intrabit & ipsum a firma sua p. dia' ejecit & alia enozmia ei intulit ad grave dampnū ipsius A. & contra pacem nostram, &c.

Orig. Ret. in B. R. (quinden' Paschæ) ubi-eunque, &c.

This is called the Original or first Proceſs in Ejectment, tho' not properly an original Writ, because not issuing out of Chancery. But by Stat. 13 Car. 2. c. 11. In all personal Actions, and in *Ejectione firmæ* for Lands, &c. depending by original Writ (i. e. under the great Seal) after Issue Joined or Judgment had, there needs not be 15 Days between the Teste and Return of any *Venire fac'*, *Habeas Corpus*, *Jurat'*, *Distingas Jurat'*, *Fieri Fac'* or *Ca. Sa.*

And in *Trin.* 14. Car. 2. It was ordered by B. R. That in every Action of Trespass and Ejectment to be brought in that Court, if the Lands lie in Middlesex, that a Bill of Middlesex should go forth; and if the Lands lie out of Middlesex, then a *Latitat* should be taken out against the casual Ejector, named Defendant in every such Action.

And that Common Bail should be filed for such Defendant, before any Declaration by Bill in such Action should be delivered to any Tenant in Possession of the Lands in the Declaration specified; and if the Attorney for the Plaintiff should fail therein, no Judgment should be entered for the Plaintiff against the casual Ejector; nor shall the Tenant in Possession confess Lease, Entry and Ouster (of the Tenants in such Declaration mentioned) at the Trial of the Issue.

In Ejectment after Costs taxed, and Judgment <sup>Ban.Reg.</sup> signed, an *Habere fac' possessionem*, is made out by the Clerk of the Judgments, which is a Command to the Sheriff to put the Plaintiff in Possession, and the Plaintiff at his own Peril must take care that he be not put in Possession of more Lands (or Acres) than are found, &c.

But if a Man bring an Ejectment of 40 Acres, and recovers only thirty upon the *Habere fac' possessionem* or Writ of Execution, the Sheriff may deliver to him any 2, 3 or more Acres in the Name of the whole, without setting out the Land recovered by Meets and Bounds, and tho' the Plaintiff had not recovered the whole 40 Acres. 1 Roll. abr. 886.

How the Sheriff may justify the Removing the Goods out of an Possession on an *Habere fac' possessionem*. Vide Lutw. 1486. But how and in what manner the Sheriff is to deliver Possession on this Writ, see the Law of Ejectment 288, 289, &c.

And Note *ibid.* 291. That if the Sheriff executes the Writ, it is at his Election whether he will return it or not. And *ibid.* 294. See the Form of a Return of the Writ, together with a *Fieri Facias*. See also *postea*. Tit. *Hab. fac' possessionem*.

### Elegit.

Retorn of an Inquisition upon an *Elegit*, as well for Land as Goods. 2 Dalt. 547.

ff. *Inquisitio Indentat' Capit' apud D.*  
in Com p'dicta decimo septimo die Junii  
anno Regni Domini Caroli Secundi nunc  
Regis Anglie, &c. decimo nono coram me  
C. P. Armigero Vic' Com p'dicta' virtute  
brevis Domini Regis mihi direct' & huic

Ban. Reg.

**In**quisitōni annexat' per Sacramentum  
**A. B. C. D. &c.** proborum & legalium ho-  
 minum de balliva mea qui onerat' & iu-  
 rat' existend' dicunt super Sacramentū suū,  
 quod **W. R.** in dicto brevi huic Inquisitō-  
 ni annex' nominat' die caption' huius In-  
 quisitōnis possessionat' fuit de bon' & ca-  
 tall' sequend' ut de bonis & catallis suis  
 propriis videlicet de viginti vaccis precii  
 decem librarum & de viginti ovibus pre-  
 cii decem solidorum quas ego prefat' Die  
 pdicta **R. O.** liberari feci tenend' sibi bona  
 & catalla predicta ut bona & catalla sua  
 propria in parte satisfactionis debiti &  
 dampnorum suorum pdictorum in brevi p-  
 dicta' mentionat' Et ulterius Jur' pdicta' su-  
 per Sacram' suum pdictum similiter dicunt  
 quod pdictus **W. R.** tempore redditionis  
 iudicii pdicta' scilicet in pd' Octabis Sancti  
 Hillarii seisc' fuit in dominico suo ut de  
 Feodo, de & in uno capitali Messuagio una  
 domo portali (Anglice a Gate-house) duo-  
 bus horreis & duobus stabulis cum perti-  
 nentiis & tribus Gardinis & tribus Po-  
 mariis eidem capitali Messuagio adjun-  
 gen' Ac etiam de & in quinquaginta a-  
 cris terre Arabilis & Pasture aut eo circi-  
 ter p'or' pdicta' capitali Messuagio jacend' &  
 adinde pertinen' clari annui valoris in om-  
 nibus exitibus ultra rep'is quatuordecim  
 librarum & decem solidorum Ac etiam de  
 & in quinquaginta acris prati aut eo cir-  
 citer pdicta' capitali Messuagio similiter per-  
 tinen' clari annui valoris in omnibus exi-  
 tibus ultra rep'isas viginti & quinque li-  
 brarum ac etiam de & in viginti acris bos-  
 ci aut eo circiter pdicta' capitali Messuagio  
 pertind' clari annui valoris in omnibus exi-  
 tibus ultra rep'isas quinque librarum.

Ac



Ac de & in Octagint' accis terre arabilis Ban.Reg.  
 & pasture aut eo circiter pdia' capitali  
 Messuagio pertind & clari annui valoris in  
 omnibus exitibus ultra reppisas quadra-  
 ginta & quinque librarum & decem solidor-  
 um que quidem pmissa sunt scituat' ja-  
 ced' & existend' in Parochia de L. in dicto  
 Com' M. & modo sunt in tenura sive occu-  
 patione pdia' W. R. sive assignatorum  
 suorum Ac etiam de & in uno alio Messu-  
 agio ac diversis aliis parcellis terre ara-  
 bilis prati & pasture eidem Messuagio per-  
 tinen' continend' per estimationem sexaginta  
 & tres accras aut eo circiter clari annui  
 valoris in omnibus exitibus ultra reppis-  
 las decem librarum scituat' jaced' & ex-  
 istend' in Parochia de L. pdia' & modo in  
 tenura sive occupatione pdia' W. R. sive  
 assignatorum suorum Ac etiam de & in uno  
 alio Messuagio & de diversis aliis parcellis  
 terre arabilis prati & pasture eidem Mes-  
 suagio pertinen' continend' per estimationem  
 quadraginta accras aut eo circiter clari an-  
 nui valoris in omnibus exitibus ultra re-  
 ppisas sex librarum & scituat' jaced' &  
 existend' in Parochia de J. in Com' pdia'  
 modo in tenura sive occupatione S. W.  
 Ac de & in uno alio Messuagio, & diver-  
 sis aliis parcellis terr' arabilis prati &  
 pastur' eidem Messuagio pertinen' per esti-  
 mationem quadraginta accras, aut eo cir-  
 citer clari annui valoris in omnibus exiti-  
 bus ultra reppisas sex solidorum & octo de-  
 na., scituat' jaced' & existend' in Parochia  
 de L. pdia' & modo in tenura & occupati-  
 one J. B. Ac de & in duabus aliis par-  
 cellis terr' arabilis & pastur' continend' per  
 estimationem novem accras aut eo circiter  
 clari annui valoris in omnibus exitibus

**B**an.Reg. ultra reppisas tresdecim solidos & quatuor  
denar' scituat' & jacent in Parochia de L.  
p'dia' modo in tenura P. T. Ac etiam de  
& in tribus alijs parcellis terr' arabilis &  
huer' continen' per estimationem vigint'  
acras aut eo circiter clari annui valoris  
in omnibus exitibus ultra reppisas qua-  
draginta solidorum scituat' jacent & existunt  
in Parochia de G. in Com' M. p'dia' &  
modo in tenura sive occupatione W. M. Et  
Jur' p'dia' super Sacramentum suum pre-  
dictum ulterius dicunt qd' p'dia' capitale  
Messuagium p'dia' domus Portae (Anglice  
a Gate-house) p'dia' duo horrea & p'dia' duo  
Stabula cum pertinent p'dia' tria Gardina &  
p'dia' tria pomaria adinde pertinent & p-  
dia' quinquagint' Acr' terre arabit' & pas-  
tur' aut eo circiter pr' p'dia' capital' Mes-  
suag' jacent & adinde pertinent & p'dia' 50 Acr'  
prati p'dia' Capital' Messuagio similiter  
spectant Et p'dia' viginti Acr' bosci unacum  
p'dia' Messuagiis & p'dia' diversis parcellis  
terr' arabilis pratis pasture continen'  
per estimationem sexagint' & tres acras  
aut eo circiter sunt vera & equalis medie-  
tas omnium & singulorum terrarum tene-  
mentorum & hereditamentorum quorum-  
cunque in Com' M. p'dia' p'dicto W. R. in  
dicto brevi nominat' quam quidem medie-  
tat' Ego p'dia' Dic p'dia' die captionis hu-  
jus Inquisitionis p'dia' R. O. Sed in  
dicto brevi nominat' ad rationabile preci-  
um & extent' liberari feci tenend' sibi &  
assignatis suis ut liberum tenementum  
suum juxta formam statuti inde edit' & p-  
bis quousq; resid' debiti & dampnorum p-  
dia' in brevi p'dia' specificat' inde levave-  
rit prout breve p'dia' in se exigit & requi-

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rit Et ulterius Jur' p'dia' super Sacra-  
mentum suum p'dia' dicunt quod p'dia' Ban. Reg.  
M. R. in h'ebi p'dia' nominat' tempore  
redditionis iudicii p'dia' in dicto h'ebi  
specificat' non habuit nec die captionis  
huius Inquisitionis aliqua alia sive plura  
habet bona seu catalla terras seu tene-  
menta in Com p'dia' ad notitiam Jur'  
p'dia'. In cuius rei testimonium tam  
ego p'fat' Vic quam Jur' p'dia' huic  
Inquisitioni sigilla nostra alternatim ap-  
posuimus die anno & loco supradictis.

C. P. Ar'. Vic'.

Vide Dal. 547.

## Inquisitio super Elegit.

Retorn of an Inquisition of Lands only, and  
that the Defendant hath no Goods. *Vid. Offic.*  
*Br. 206.*

ff. Inquisitio Indentat' capt' apud Dept-  
ford in Com p'dia' primo die Novemb' an-  
no Regni Domini nostri Caroli Secundi  
Dei gratia Anglie Scotie Francie & Hi-  
bernie Regis fidei defensoris &c. decimo  
quarto coram me D. P. Ar' Vic Com p're-  
dia' virtute brevis dicti Dom' Regis mihi  
direct' & huic Inquisitioni annex' per Sa-  
cram C. R. P. L. &c. probod' & legalium  
hominum de balliva mea qui Jurati &  
onerati super Sacrament' suum dicunt qd  
M. B. de C. in Com p'dia' Gen in dicto  
h'ebi mencionat' vicesimo quarto die Octobr'  
anno regni dicti Dom' Regis nunc 12 quo  
die iudicium versus p'fatum M. red-  
ditum



**Ban. Reg.** tum fuit seiscus fuit in dominico suo ut  
 de feodo de & in uno capitali Messuagio  
 sive tenemento uno horreo uno stabulo &  
 uno Columbario cum pertinent in C. in  
 Com pdia' ac de & in uno Ceracito Anglice  
 a Cherry-garden continen per estimacionem  
 duas acras sive plus sive minus scituar'  
 jacent & existen in C. pdia' & modo in te-  
 nura sive occupatione pdia' M. B. vel  
 Mign suo clari annui valoris in omni-  
 bus exit' ultra repzis' quindecim librat'.  
 Et ulterius Jur' predia' super Sacram  
 suum predia' dicunt quod pdia' M. B. nul-  
 la habet bona seu catalla nec tempore red-  
 ditionis Judicii pdia' vel unquam postea  
 habuit vel habet ulla alia sive plura terras  
 aut tenementa in Com pdia' ad noticiam  
 Jur' predia' que ullo modo extendi aut ap-  
 preciori possunt Medietat' omnino quor &  
 singulor tenementor & terrar' cum per-  
 tin pmentonant' videlicet duo Messuagia  
 duo Horrea & unum stabulum scituar' jacent  
 & existen in Parochia de L. pdia' in oc-  
 cupatione A. B. vel Mign suo, &c. ego  
 p'fat' Dic die Captionis hujus Inquisico-  
 nis virtute brevis predia' levare feci M. B.  
 Ar' & M. uxor ej' in dicto brevi s'liter  
 nominat' p rationabile precium & extent'  
 tenen medietat' pd ut libum tenementu  
 suu sibi & Mign suis juxta forma Stat' in  
 hujusm Casu edit' & p'bis' quousq' debum  
 & dampna in brevi pdia' spec plenar' inde  
 levaverint put p idem breve mihi precipit'.  
 In cujus rei testimonium tam ego p'fat'  
 Dic qm Jur' pdia' huic Inquisitioni sigil-  
 la nostra separatim apposuimus die &  
 anno supradia'.

A. B. Ar. Vic.

Retorn

Retorn of an Inquisition upon an *Elegit*, against the Heir and Tertenant upon a Judgment in the King's Bench revived by *Scire facias*.

Inquisitio indentat' cap't, &c. in Com  
p'dia' 2 die, anno, &c. coram me P. L.  
Ar' Vic' Com p'dia' virtute b'revis Dñi  
Regis mihi direct' & huic Inquisitioni an-  
nex' per Sacram J. H. &c. duodecim p-  
borum & legalium hominū de balliva mea,  
qui jurat' & onerat' existēd' die sup Sa-  
crām suū qđ Edus Marchio W. in  
b'revi p'dia' nominat' die redditōis Judi-  
cii in eodem b'revi menconat' scilicet 29  
die Novemb' 1605. fuit seit' de & in omni-  
bus & singulis Messuagiis terris centis &  
decimis cum pertin' in b'revi p'dia' specifi-  
cat' in Vincō suo ut de Feodo Edm Ma-  
ria de W. H. P. & S. H. in b'revi p'dia'  
menconat' in balliva mea valent clare per  
annū in omnibus Erit' ultra rep'is 200 l.  
acciam tria messuagia & centum acr' pa-  
stur' cum pertin' in b'revi p'dia' mentionat'  
in Paroch' de C. in balliva mea valent  
clare per annū in omnibus Erit' ultra re-  
p'is', &c. acciam decime granorū & feni  
Agnellorum & Lane crescēd' annuatim re-  
nobar' & p'venien' in Paroch' de L. P. H.  
& L. in p'dia' b'revi menconat' in balliva  
mea valent clare per annū in omnibus Erit'  
ultra rep'is' 60 l. &c. Vide Thes. Brev. 96,  
97.

Decime  
grano-  
rum, &c.

Aliter secundum Kitch. 270. b.

Virtute istius b'revis Ego P. S. Ar'  
Vic' Com infra script' tali die & anno deli-  
berabi

**Ban. Reg.** herabi J. B. medietat' manerio in In-  
 quisiſtione huic brevi conſut' ſpecificat' cum  
 pertin' p Extent' in dca Inquiſiſtione ſac'  
 tenend' ſibi & aſſign' ſuis ut libum teſtum  
 ſuū quouſq' idem J. B. debum & damp-  
 na ſua inſcript' levaber' put' interius  
 mihi p'cepit'.

Aliter ſecund' eundem 270 b.

Virtute iſtius brevis tali die & anno  
 libari feci infranominat' A. B. medietat'  
 manii de S. cum pertin' Extent' ad an-  
 nuū valorum quatuor lib' ſterlingorum in  
 omnibus Exit' ult' reppis per 12 Jurat'  
 in Inquiſiſtione huic brevi conſut' nomi-  
 nat' De quo quidem manio cum pertin'  
 B. G. & E. ux' ejus fuer' inde ſciti ut in  
 jure iplius E. in feodo ut de libero teſto  
 die capſon Inquiſiſton' p'dia' put' in eo-  
 dem compertum eſt Habend' & tenend' ean-  
 dem medietat' manerii p'dia' cum pertin'  
 ſic extent' p'dia' A. B. & Aſſign' ſuis ut li-  
 berum teſtum ſuum quouſq' inſcript'  
 40 l. inde levaberit juxta formam iſtius bre-  
 vis.

Reſid' vero Execuc' iſtius brevis patet  
 in quadam Inquiſiſtione huic brevi con-  
 ſut', &c.

Aliter ſecund' Dalton 231.

Execuſo iſtius brevis patet in quadam  
 Inquiſiſtione huic brevi annex'.

A. B. Ar. Vic'.

ff. Ju



ff. Inquisitio indentat' cap't' apud L. in Ban.Reg.  
 Com p'dia' 10 die Junii anno, &c. coram  
 me A. B. Jr' Vic Com p'dia' virtute  
 brevis Dñi Regis mihi direct' & huic In-  
 quisitioni annex' per Sacram C. B. &c.  
 (and so name 12 at the least) Qui die super  
 Sacram suū quod C. D. in brevi p'dia'  
 nominat' (tali die & anno, &c.) fuit se't'  
 in dominico suo ut de feodo de & in uno  
 Messuag' vocat', &c. cum pertin' jacent' &  
 existē in L. in Com p'dia' modo in oc-  
 cupatione A. J. vid' clari annui valoris in  
 omnibus Exit' ultra rep'is 40 s. Ac etiam  
 de & in uno gardino cum pertin' vocat',  
 &c. in L. p'dia' clari annui valoris in om-  
 nibus Exit' ultra rep'is 20 s. ac etiam de  
 & in un' al' Messuag' cū pertin' in L. p'dia'  
 scituat' jacent' & existē p'pe, &c. nuper  
 terr' cujusdam R. A. defunct' modo in oc-  
 cupatione B. C. vel Magn' suor' simulcum  
 omnibus gardinis & Edificiis eidē Mes-  
 suagio spectand' sive ptinē clari annui va-  
 loris in omnibus Exit' ultra rep'is 5 l.  
 ac etiam de & in uno alio Messuagio vocat',  
 &c. in L. p'dia' in tenura p'dia' B. C. clari  
 annui valoris in omnibus Exit' ultra re-  
 p'is 10 s. Et Jur' p'red' super Sacram  
 suū p'red' dicunt Qd' Messuag' p'dia' in te-  
 nura p'dia' B. C. unacu' Gardino eidem  
 Messuag' jacent' & spectand' cum omnibus &  
 singulis suis ptinē sunt vera & equalis  
 medietas omnium & singulorum terr' &  
 tenement' & hereditament' quorumcunque  
 in Com nostro p'dia' C. D. in d'eo brevi  
 nominat' Quā quidem medietat' Ego p're-  
 fat' Vic deliberari feci R. S. in brevi  
 p'dia' nominat', Tenend' sibi & Magn' suis  
 juxta formam Statuti inde p'vis' ut libe-  
 rum

**B**an. Reg. rum tēntum suum, quousq; debū & dampna sua in hzebi p̄dia' menconat' plenat' inde levaverit put hzebe p̄d in se exigit & requirit Et ulterius Jur' p̄dia' super Sacram suum p̄dia' dicunt Qd p̄dia' C. D. nulla alia sive plura bona habet seu die Recuperat' debiti p̄dia' (or die Iudicii) habuit bona aut catalla terras sive tēnta in Com p̄dia' In cujus rei Testimonium tam Ego p̄fat' Dic qm Jur' p̄dia' huic Inquisitioni sigilla nostra alternatim apposuimus die and & loco supradia', &c.

A. B. Ar. Vic'.

Vide Wilk. 136.

Aliter sur liberavi Retorn.

Virtute istius hzebis Ego A. B. Dic Com infrascript' (tali die & anno) libari J. B. medietat' maniozum in Inquisitione huic hzebi consut' spec' cum pertined p Extent' in dca Inquisitione fact' tenend sibi & Magn' suis ut liberum tēntum suum quousq; idem J. B. debum & dampna sua infrascript' levaverit put interius mihi precipit'.

Aliter.

Virtute istius hzebis (tali die & anno) libari feci infranominat' A. B. medietat' maner de S. cum pertind extent' ad annu balorem quatuor libꝝ sterlingorum in omnibus Exit' ultra reppis per 12 Jur' in Inquisitione huic hzebi consut' nominat' De quo quidem manio cum pertind B. C. & E. ux' ejus fuer' inde seit' ut in jure ipꝝ

aus

ius & in feodo ut de libero tenito die cap. Ban. Reg.  
 ſonis Inquiſitionis p̄dicta' put in eadem  
 compertum eſt Habend & Tenend eandem  
 medietat' manerii p̄dicta' cum p̄t̄n sic Ex-  
 tent' p̄dicta' A. B. & Aſign' ſuis ut libe-  
 rum tenitum ſuum quouſq' p̄dicta' 4l. inde  
 levaberit juxta formam iſtius brevis. Re-  
 ſi vero Execuc' iſtius brevis patet in  
 quadam Inquiſitōe huic brevi conſat', &c.  
 Vide Dalt. 231, 232.

Aliter ſecund' Brev. Judic. 258.

Virtute iſtius brevis mihi direct' tali  
 die & anno, &c. Maneria de B. & G. 100  
 Meſſuag 15 Gardin 100 Acr' Terre, &c.  
 cum p̄t̄n in B. & G. ut juſtam & equam  
 medietat' manerion' & tenito' infraſcript'  
 cum p̄t̄n in forma infraſcript' dimiſſ' in-  
 franominat' J. A. deliberabi tenend ut li-  
 bum tenitum ſuum ſibi & Aſign' ſuis jux-  
 ta formam Statuti infraſpec' quouſq' De-  
 bitum & dampn' infraſcript' inde levaberit  
 prout interius mihi p̄cepit'.

Inquiſitio Retorn. ſuper Elegit. Brev. Judic. 273.

fuit ſeit' in Dom' ſuo ut de libero tenito  
 p̄ Termin' vite ſue de una annuitate ſive  
 annuali reddit' 20l. exeu'd de, &c. M. 23 &  
 24. Eliz. Ro. 801.



Ban.Reg.

See an Inquisition retorn'd upon an *Elegit*, as well for Goods as Lands. *Dalt.* 547. with Livery thereof.

Et ulterius Jur' p'dia' super Sacram suū p'dia' dic' qd' p'red' M. R. in b'rebi p'dia' nominat' te' reddi'com' Judicii p'dia' in d'co b'rebi spec' non habuit nec die captiō' hujus Inquisi'com' aliqua al' s'be plura habet bona seu catalla terras seu tēta in Com' p'dia' ad notic' Jur' p'dia' In cujus rei testimonium tam ego p'fat' Dic' qm' Jur' p'dia' huic Inquisi'comi sigilla uostra alternatim apposuimus die & anno suprad.

C. P. Ar'. Vic'.

Vide ante 282, &amp;c.

Another Retorn of an *Elegit* executed *de Bonis & Catallis & de Terris*, secund' *Dalt.* 553 &c. and Livery thereof.

Et ulterius Jur' p'dia' dicunt super Sacram suū p'dia' qd' p'dia' M. non huit (tali die) in b'rebi p'red' spec' quo die b'rebe illud emanabit nec unqm' postea aliqua al' s'be plura bona seu catalla in balliba mea nec habuit p'dia' die reddi'comis Judicii p'red' seu unqm' postea aliqua al' s'be plur' terras seu tēta in balliba mea que extendi & appreciari possunt ad notic' Jur' p'dia' In cujus rei testimonium, &c.

Ad Des. fuit seit' de Manerio terris & cursu falde p'zo 40 obibus Et Dic' deliberabit Quer' tales separales terras & pecias terrarū obe buttals & cursum falde p'zo 20 obibus. Co. Ent. 397.

**Ad** Vic extendi fecit 2 Maneria Unde Ban.Reg.  
Def. fuit seit' ac qđ Manerium de C. valet,  
fc. 20l. Et Manerium de D. valet 10l.  
Medietat' quoy Maner' Vic liberabit quer'.  
Rast. Ent. 262.

**Ad** 2 Def. sunt seit' de 2 Mess' 100 Acr'  
Terre 4 Acr' prati, fc. que fac' Manerium  
de R. qđ valet per annum 40s. Cujus  
medietat' videlicet, fc. liberabit quer'.  
Rast. Ent. Ibid.

**Ad** Def. habet nulla bona Et qđ fuit  
seit' de uno Messuagio 100 Acr' Terre 40  
Acr' prati, fc. talis annui valoris Unde  
Vic deliberabit medietatem Quer'. Rast.  
Ent. 262.

**Ad** Vir & Uxor habent nulla bona Et qđ  
sunt seit' de libo tenito in jure Ar' de 2 Ca-  
pitalibus Messuagiis cum 6 Clausuris 2  
Portis & 2 Pomariis eis adjacent 10 Mess-  
suag 2 Cottag 100 Acr' Terr', fc. talis  
annui valoris Et Vic liberabit quer' me-  
dietat', fc. Rast. Ent. 261.

Elegit super Judic' in vasto qđ Def. est  
seit' in jure uxor'is tenentis pro vita de  
Messuag & talibus Clis Et Vic libabit  
quer' Messuag & talia cla & 3 Acr' in An-  
gulo Claus. Co. Ent. 706.

Per Ballivum Libertatis qđ Def. fuit  
possessionat' de bonis que liberabit & Def.  
habet nullas terras Testat' est qđ Def. ha-  
bet plura bona Et breve inde agard. Rast.  
Ent. 262.

**Ad** Def. fuit seit' de reversione terray  
post mortem P'is habend' Unde medietas,  
fc. liberat' cum acciderit. 1 TownsJudg. 38.

**Ad** Def. fuit seit' de terris, fc. unde  
Vic non potuit facere liberaconem eo quod  
R fuer'

**Ban.Reg.** fuer' prius liberat' al' un' E. Unde Sed fa-  
 agard sup' allegatōm qd' E. est satisfact'.  
 Mo. 142.

Elegit super Iudicio per default' vers' ter-  
 tenend' super Recogn' Qd' ista tēta spec'  
 in hzevi in tenura A. sunt talis annui valoris  
 Et sic de terris Et qd' Cognizor fuit seir'  
 de omnibus in feodo quorum medietat'  
 Dic' liberabit quer'. Co. Ent. 636.

Terminus in Retoria appzeiat' & de-  
 liberat' quer' in parte Soluconis debi.  
 Rast. Ent. 450.

Qd' nullus ven' ex parte quer' ad libera-  
 tōm habend' Ideo Liberate agard & Retorn'.  
 1 Towns. Judgm. 17.

Tētum & 12 Acr' Terre, &c. Co. En. 636.

Elegit sur Scir' fac' with the Sheriffs Re-  
 torn 2 Mod. Intr. 271.

Simile upon the first Judgment with an In-  
 quisition retorn'd. *Ibid.*

Deliberat' post Extent' fact' sur Obl' Statut'.  
 Stapul'.

Virtute, &c. libavi infranominat' B. S.  
 Maneria Terras & Tenementa infrascript'  
 Habend' sibi & Aliis suis ut liberum Tē-  
 tum suum quousq' sibi de deho infrascript'  
 unacum dampnis missis & expensis suis  
 plenarie fuerit satisfact' p'out, &c. Dalt.  
 233. Kitch. 271.

Dalt. 232. It is observed that upon an *Elegit*,  
 the Extent and Valuation of the Lands, and  
 Praising of the Goods must be by an Enquest,  
 (scilicet per Sacram' 12 proborum & legalium ho-  
 min') and not by the Sheriff himself, altho' the  
 Writ speaketh of no Inquisition. Co. 4. 74.

Also



Also *Dyer* 100. The Sheriff upon an *Elegit* re-Ban.Reg. torn'd he had delivered Goods *ad valenc'* 20 l. *per rationabile pretium*, and 20 Acres of the Defendant's Lands, *Quæ est medietas omniu' terrarum per rationabile Extent'*, but returned no Inquisition, *scilicet per Sacram'* 12, &c. and it seemeth by the Court there, that the Extent ought to have been by Inquisition, &c. and that the Sheriff himself cannot extend it. *Dalt. ut supra.*

It is said the Sheriff by Virtue of the Writ, may charge the Jury to make Inquiry according to the said Writ; and that the Sheriff and Jury may go to the House or Ground to be extended, or where the Goods to be praised do lie, and there may appraise and value the same. 5 Co. 91.

And that the Sheriff and Jurors may go into the same House or Ground to that Purpose, if the Doors or Gates be open, but may not break open the Gates or Doors. *Ibid.*

See *Dalt. Offic. Vic'* fo. 133, 134, &c. *Tit. Execution'* per *Elegit*, what Goods and Lands are liable upon an *Elegit*.

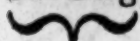
And see the same *chap. 26. fo. 125, &c.* what Lands or Goods shall be extended or taken by the Sheriff in Execution upon a Statute or Writ of Debt, &c. after Judgment, in the Case of a Common Person.

Nulla bona.

*Ad J. S. infranominat' nulla habet bona neq; catalla in balliva mea, que C. P. infranominat' per aliquod pretium de liberari facere possum. Li. Intr. 261.*

R 2

Aliter.



## The New Retorna Brevium.

Aliter.

Nulla habet (or habuit) bona neq; castalla in balliva mea tempore Iudicii unde infra fit mentio reddit' nec postea.

Or tempore capcionis Inquisitionis ill' nec ted recuperat' pred.

Or quarto die M. ult' p'eterit' in brevi specificat' quo die idem breve emanabit nec unqm postea. Ibid. vide Dalt. 232. Vide Compleat Sheriff 252.

The Retorn of an *Elegit* where Lands are in the King's Hands.

Iustic' infrascript' certifico qd terr' & tenement' que fuer' infranominat' f. B. eodem die & anno infranominat' quo Iudicium debi & Compotum infraspecificat' reddit' fuit fuer' & ad huc existunt in man' Dñi Regis in Cur' sua Ward & Liberatione rone qd R. B. Gen' Tenens Terrarum & Tenentorum pdicta' adhuc non est prosecut' Liberationem Terrarum pred extra Cur' pdicta' Ideo ad Execucionem istius brevis procedere non possum put interius mihi p'ecipitur. Vide Green. 235.

Retorn of an Inquisition upon an *Elegit*, of Lands, Goods and Chattels.

Inquisitio indentat' capt' apud C. in Com pdicto (talibus die & anno) coram me G. L. Milite Balnei Vie Com pdicta' virtute brevis dñi Dom Regis mihi direct' &

Et huic Inquisitioni annex' per Sacram<sup>Ban.Reg.</sup>  
 J. D. R. R. &c. (here insert the Names of  
 all the Jury) proborum & legalium hominum  
 de balliva mea, qui jurat' & onerat' exis-  
 tend' dicunt super Sacram<sup>Ban.Reg.</sup> suu' qd' A. S.  
 in brevi p'dicto nominat' p'dicta' die capto-  
 nis hujus Inquisitionis possessionat' fuit  
 de bonis & catallis hic postea mentionat'  
 ut de bonis & catallis suis p'p'is videt'  
 de duodecim Equis p'cui cujuslibet eo-  
 rum quinq' lib' duabus Equabus p'cui  
 cujuslibet earum decem lib' triginta vac-  
 cis mulgibilibus p'cui cujuslibet earu' sex  
 lib' duodecim vaccis cum duodecim vitu-  
 lis p'cui cujuslibet vacce cum vitulo suo octo  
 lib' trescentis Ovibus matricibus p'cui  
 cujuslibet earum decem solid' centum agnis  
 p'cui cujuslibet earum quinq' solid' quadra-  
 ginta p'cui p'cui cujuslibet eorum vigint' so-  
 lid' quadraginta quarteriis tritici p'cui cu-  
 juslibet quarterii inde viginti & quatuor so-  
 lid' viginti quarteriis Mixtionis p'cui cu-  
 juslibet quarterii inde tresdecim solid' &  
 quatuor denar' sexaginta quarteriis Hordei  
 p'cui cujuslibet quarterii inde octodecim so-  
 lid' Centum quarteriis fabarum equina-  
 rum p'cui cujuslibet quarterii inde duode-  
 cim solid' & Centum & quinquaginta quar-  
 teriis avenarum p'cui cujuslibet quarterii  
 inde quindecim solid' (and to set forth in par-  
 ticular all the other Goods) ad valenciam, &c.  
 Et Juratores p'dicta' ulterius dicunt super  
 Sacram<sup>Ban.Reg.</sup> suum p'dictum qd' p'dicta' A. die  
 redditonis Judicii p'dicta' in breve p'dicta'  
 mentionat' scilicet die, &c. anno, &c. scilicet fuit  
 & modo scilicet existit in dominio suo ut de  
 libero Tenement' in jure Sare uxoris ejus  
 (que modo supstes & in plena vita existit)  
 de & in uno Messuag' sive Tenement' qua-  
 dragint'



Ban.Reg.

dragint' Acris Terre viginti Acris Prati  
 quinquaginta Acris Pasture & triginta  
 Acris holci cum p<sup>ti</sup>m scitua<sup>l</sup>' jace<sup>nt</sup> & ex-  
 isten<sup>t</sup> in L. in p<sup>di</sup>co Com<sup>is</sup> B. modo vel nu-  
 per in Tenura sive Occupatione cujusdam  
 C. O. assignati vel assignatorum suorum  
 clari annui valoris in omnibus exitibus  
 ultra Reppilas quadraginta librarum ac de  
 & in, &c. (and so set forth the rest of the  
 Lands) omnia que quidem bona & catalla p<sup>di</sup>-  
 dia' necnon Medietatem omnium & singu-  
 lozum Terrarum & Tenement' p<sup>di</sup>dia' per  
 Inquisitionem p<sup>di</sup>dia' in forma p<sup>di</sup>dia' compert'  
 videt' p<sup>di</sup>dia' Messuag, &c. (and so recite the  
 Lands over again as before) Ego p<sup>fa</sup>to Dic' p<sup>re</sup>d  
 die cap<sup>ti</sup>onis huj' Inquisitionis virtute bre-  
 vis p<sup>di</sup>dia' p<sup>fa</sup>to Carolo in eodem brevi men-  
 conat' p<sup>er</sup> rasonabile p<sup>ci</sup>um & extantum li-  
 berari feci Tenend' bona & catalla p<sup>di</sup>dia' ut  
 bona & catalla sua propria Acciam tenen-  
 du<sup>m</sup> Medietatem p<sup>di</sup>dia' ut liberum Tene-  
 ment' suum sibi & Assign' suis juxta forma<sup>m</sup>  
 Statut' in eodem brevi specificat' quousq<sup>ue</sup>  
 debitum & dampna in eodem brevi men-  
 tionat' plenarie inde levaverit p<sup>ro</sup>ut bre-  
 ve illud in se erigit & requirit Et ul-  
 terius Jurat' p<sup>di</sup>dia' sup<sup>er</sup> Sacram<sup>ent</sup> suum p<sup>di</sup>  
 die q<sup>uo</sup>d p<sup>di</sup> A. non fuit (talibus die & an-  
 no) in brevi p<sup>re</sup>d specificat' (quo die breve  
 illud emanabit) nec unquam postea ali-  
 qua alia sive plura bona sive catalla in  
 balliva mea Nec habuit dicto die redditio-  
 nis Judicii seu unquam postea aliqua alia  
 sive plura Terras sive Tenement' in balli-  
 va mea que extendi & appreciari possunt  
 ad Poticiam Juratorum p<sup>re</sup>dia' In cujus  
 Rei Testimonium, &c. Thes. Brev. 93.

Retorna

Retorn of an Inquisition, upon an *Elegit*, of Lands and Rents, where the Rents only are delivered for a Moiety.

**Inquisition indental' capt' apud B. in Com' p'edia' (talibus die & anno) coram me M. G. Baroner' Dic Com' p'edia' virtute brevis dcd Com' Regis mihi direct' & huic Inquisition' annex' per Sacram A. B. C. D. E. F. G. H. I. K. L. M. N. O. P. Q. R. S. T. U. V. W. X. Y. Z. p'orum & legalium hominum de balliva mea Qui jurati & onerati existentes dicunt super Sacrament' suum Qu' L. D. in brevi p'ed' nominatus die redditionis Judic' p'ed' in eodem brevi mentionat' scilicet (talibus die & anno) seiscit' fuit in domi' suo ut de secundo de & in Manerio de S. cum perti' in Com' p'ed' (here recite the Parcels, and conclude as in other Inquisitions.)**

See more *Tit. Extent.*

And see *Clif's Ent.* 877. a long Retorn, and Inquisition upon an *Elegit*, with a Petition of a *Liberari* into two Counties, and very many Continuances thereon *per Vic' non misit breve, &c.*

And note, That it is observed, *Brev. Judic.* 78. That if an *Elegit* be awarded upon the Plea-Roll where Judgement is entred, although the Writ is not executed, yet within the Year the Plaintiff cannot change his Execution, if the Sheriff do not retorn upon the *Elegit*, *quod Def. nulla habet Terr' neque tenement' neq; aliqua bona, &c.* and when this is entered on the Roll, then the Plaintiff may take another Execution at his Pleasure; *aliter non.*

Again it is observed, That if two *Elegits* issue at one time, the Sheriff ought to extend the

**Ban.Reg.** Moiety of the whole Land, and give it to the more ancient Debt, and then the Sheriff ought to extend a Moiety of the other Moiety, and deliver it to the other, and ought not to deliver a Moiety of the whole to one, and the other; as by the Opinion of all the Justices *de Banco Mich.* 32, 33. *Eliz. in Casu Skinner & Comit' Oxon'.*

Again *pag.* 79. It is noted, That a Judgment being given in the *Common Pleas* against one *Freeman* in his Life-time, who had before the Judgment acknowledged a Statute Staple and died; and an Extent upon the Statute, and a *Fieri facias* against his Executors, after a *Scire facias*, were delivered to the Sheriff of *N.* at one time to be executed, and *Trin.* 8 *Jacobi*, it was ask'd of the Court which Writ should be first executed by the Sheriff for the Goods; and it was resolved, that for the Goods the *Fieri facias* should be first executed, for it is Matter of Record, and it is the same as if an *Elegit* should come to the Sheriff upon the said Judgment, and an Extent upon the Statute should be at the same Time, the *Elegit* shall be executed before the Extent upon the Statute.

Again, *pag.* 84. It is observed, That one *Hawkins* brought Debt against one *Johnson*, and had Judgment, and the Defendant died, and the Plaintiff sued out a *Scire facias* against the Heir, and the Sheriff returned the Heir to be Tenant of divers Lands, and the Plaintiff had an *Elegit* of a Moiety of the Land, and a Moiety delivered unto him, and afterwards had another *Elegit*, and had a Moiety of the Moiety: And the Sheriff returned upon the last Writ, That the Father *tempore Judicii fuit seir' de Terr' in feodo*, and that the Lands descended to the Son. *Et qd Tenement' in brevi mentionat' infra mul valent per and ultra reppis' 52 l. Et ulte*



ulterius Jur' die super Sacram suum Ban.Reg.  
 qd pzed lex Messuag' in Paroch, &c. sunt  
 & se extendunt ad annual' reddit' sive valor  
 13 l. 6 s. 8 d. ultra reppis Et nos pzed Die  
 certificamus qd tali die & anno virtute cu-  
 jusdam alterius brevis Dñi Regis de E-  
 legit nob dia' Die R. pro 52 l. deliberavi-  
 mus M. H. in dicto brevi similiter menti-  
 onat' dia' Messuag', &c. vocat' & cognit'  
 in brevi huic Inquisitioni annex' specifi-  
 cat' parcell' tenent' in brevi huic Inquisi-  
 tion' annex' nominat' p medietat' omnium  
 pzed terrar' & tenent' Tenend' pfat' M. &  
 Aliis suis ut libum tenent' suu' juxta  
 formam Statut' in Humo' Casu edit' & p-  
 vis' ad annual' reddit' sive valenc' 26 l. 13 s.  
 4 d. quousq' dia' M. debit' & dampna in  
 dicto alter' hzi de Eleg' spec' inde levaberit  
 Et nos pzedat' Die ulterius certificamus  
 Qd tal' die & anno virtute brevis huic  
 Inquisic' annex' deliberavim' pfat' M. pzed  
 lex Messuag' cum suis perti' pro medietat'  
 dia' medietat' omnium pzed terrar' & ten-  
 ent' mie extent' per pzed breve primo men-  
 tionat' Tenend' pzedat' M. & Aliis suis  
 ut liberu' tenementu' suu' juxta form' Sta-  
 tut' in hujusmodi casu edit' & pvis' ad dia'  
 annual' reddit' 13 l. &c. quousq' p'd M. de-  
 bit' & dampn' in hzi huic Sched' annex'  
 spec' levaverit secund' tenor' istius brevis  
 prout, &c. Vide Rem. de Hill. 13. Jac. lit. O.  
 Et lib' judic' de eod' Term' lit' D.

Also in the same Book, *Brev. Judic. Tit. Ex-*  
*tent. fo. 89.* It is noted, That in *H. 3. Ed. 4.*  
*Rot. 498.* upon an Extent, upon a Statute-Mer-  
 chant, the Plaintiff prayed two Writs for Parcel  
 of the Debt, one to the Sheriff of *Somerset*, and  
 the other to the Sheriff of *Gloucester* for the o-  
 ther

Ban.Reg. ther Part. Et le *Die* non misit *hzebe*, and he prayed two other Writs to the Sheriff of *Dorset* and *Somerset*. See the like Petition & adjudication of an *Elegit* into two Counties. *Clif's Ent.* 877.

That in *Trin* 18. E. 3. A Purchaser of Land brought a Writ of Error, where the Conusee had extended two Years before the Day of Payment.

Also 32 E. 3. a Grantee of a Reversion brought a *Scire facias* against the Commissioners, supposing that he had received his Debt by Reason of certain Casualties, and yet he was neither Party nor Privy.

That if one be returned *mortuus*, Then the Extent is only, *quod omnia Terr' & Cēta que fuer'*, and not *de Bonis & Catallis*.

That if *mortuus* be returned he cannot have the Clause *Nihilominus coꝝpus*, &c.

That if a Lease for Years be extended, and delivered to the Extendor, and afterwards upon good Title evicted, the Extendor shall not be concluded to have a new Extent. *Id Br. Jud.* 89.

*Que quidem Maneria ego p̄fat' Die 10 die S. liberari feci p̄fat' Quer' per precium & Extent' p̄dē Tenend' eis ut liberum Cēntum suum juxta formam Statut' p̄dīa' quousq; debet' p̄dīa' unacum dampnis & custag' suis necessar' & rationabilibus ut in laborib' & ceteris dilationibus expens' inde levaverit put per hzebe illud, &c.* See there several other Observations relating to Extents. *Idem. fo. 90.*

Note,

Note, That upon an *Elegit* against a Parson, the Bishop returned, that he had all the Defendant's Ecclesiastical Goods in Sequestration towards Repair of the Chancel, &c.

Omnia bona Ecclesia R. F. Clerici Rectoris Ecclesie de G. infra Diocesis nram antequam hoc breve recepimus Sequestrat' fuer' tam virtute cujusdam Prioris brevis regii qm ex auctoritate nostra ordinar' ad Cancellar' & ad Edificia dñe Ecclesie reparand' Cur' Nian' deserbiend' Decimas Dño Regi solvend' aliaq' ordinar' onera dñe Ecclesie supportand' Ita ut virtute hujus brevis debum in eodem menconat' aut aliquem inde denar' levare nequaquam possumus.

Tho. Carl'.

It is observed, That upon the *Elegit* the Extent and Valuation of the Lands, and the Praising of the Goods must be by an Equest of 12 Men.

Also the Sheriff is to make Execution by Meets and Bounds.

And that if Land be in Extent, or already taken in Execution, and then an *Elegit* cometh to the Sheriff at another Man's Suit; yet the Sheriff may Seize and Deliver the same Lands again to the last Man upon the *Elegit*, scilicet, the Reversion thereof, *Tenendum*, &c. cum acciderit.

Or else the Sheriff may only extend and value, &c. the Land, and return the same Valuation, and shew further that he did not, or cannot deliver the same to the Plaintiff, (or make Execution thereof)



Ban.Reg.thereof) for that another had the same in Execution before.

But for the other Moiety of the Land which was not extended, &c. to the first Man upon his *Elegit*, the Sheriff may presently seize and deliver the same to any other person upon another *Eleg.* or Execution coming afterwards to the Sheriff's Hands, together with the Reversion of the first Moiety, *cum acciderit*. See *Dalt.* 232. *Fitz. Ret.* 112.

*Nihil* or *nulla bona*, is a good Retorn upon the *Elegit*. *Fitz. Exec.* 52, 58.

Also the Sheriff may retorn the Extent for Lands, *Et nulla bona*, or the Sheriff may retorn the Extent of Goods, and not Lands.

Also he may retorn *Mandavi Ballivo Libertatis*, &c. *Lib. Intr.* 261, 262.

It is noted, That upon an *Elegit*, the Sheriff delivered the Lands in Execution, without making Severance, and upon Complaint thereof to the Court, another Writ went to the Sheriff to make Severance.

Upon an *Elegit*, for that upon the Inquisition it appeared, that the Defendant had conveyed his Land to another upon Condition, &c. and yet took the Profits, the Sheriff thereupon returned, That he and the Jury were in Doubt, whether the Land were extendible, and pray'd the Advice of the Court therein.

And it is further noted, That upon an *Elegit* against one that hath two Manors, the Sheriff may deliver the one Manor to the Plaintiff, in the Name of the Moiety of all, and is not bound to deliver the Moiety of each Manor; and so of two Acres of Land, but this seemeth to be where the two Manors, &c. be of equal yearly Value. *Br. Elegit.* 14. *Dalt. Abridg.* 145, 146.  
See

See *Compl. Sh.* 252. *Green.* 192. &c. *Vide postea* Ban.Reg.  
Extent.

## Error.

**De Erroꝝ coꝛrigendū qđ misit Recoꝝdum,**  
Et. Hern 21. Rast. 307. Dyer 173.

**Recoꝝdū hꝛeb' de Erroꝛe Com e Pal' Lanc'**  
**& Judic' affirmat' supinde sur Demurrer**  
**& Respons' Cancellar' Com Pal'. Clift. 311.**  
simile Id. 334.

**Aliter per Capital' Justic' de C. B.**  
Id. 315, 321.

**Aliter per Senioꝝ Justic' de Banco. Id.**  
326.

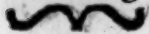
**Aliter Justic' Cestr' Et Respons' Justic'**  
**inde. Clift. 361.**

**Aliter. Vide 2 Salk. 754. 779.**

## Estrepmēt.

It is noted, That the Sheriff by Force of this Writ, may resist them which are about to make Waste, and if otherwise he cannot stay, or refrain them from making Waste, he may imprison them, or make his Warrant to others to imprison them; and if it be needful, he may take *Posse Comitatus* for his or their Aid.

**Exigent.**



## The New Retorna Brevium.

## Exigent.

Retorn of a Writ of *Exigent ad Utl'*.

Virtute istius brevis mihi direct' ad Com  
 meum S. tent' apud Castrum W. in Com  
 S. infrascript' (die, &c. anno, &c.) infra-  
 nominat' A. B. & alii Def. primo exact'  
 fuer' & non comperuer' \* Ad Com meum  
 ibidem tent' (die & anno, &c.) pdia' A.  
 B. & ceteri Def. infranominat' secund' ex-  
 act' fuer' & non comperuer' ad Com meum  
 S. ibidem tent' die & anno, &c.) pdia' A.  
 B. & ceteri Def. infranominat' tertio ex-  
 act' fuer' & non comperuer' ad Com meum  
 ibidem tent' (die & anno, &c.) pdia' A. B.  
 & ceteri Def. infranominat' quarto exact'  
 fuer' & non comperuer' Et ad Com meum  
 ibidem tent' (die & anno, &c.) pdia' A.  
 B. & ceteri Def. infranominat' quinto ex-  
 act' fuer' & non comperuer' Ideo pdia'  
 A. B. & ceteri Defendent' omnes infrano-  
 min' v' Judic' J. W. & W. R. Gen Co-  
 ronatus dicti Dom Regis Comitatus pdia' se-  
 cund' Legem & consuet' Regni Angl' utla-  
 gat' sunt & quilibet eor' ut lagatus est.

R. O. Ar' Vic'.

Offic. Brev. 197. Wilk. 119. Dalt. 236.  
 Kirch. 263. b.

Simile inter duos Vic'.

II. Virtute istius brevis mihi directi ad  
 Comitatus meum S. tentum apud Castrum  
 W. in Comitatus S. infrascript' (die & ann),  
 &c.)



(Et.) infranominat' A. B. primo exact' fuit Ban. Reg.  
 & non comperuit Et ad Comitatus meum  
 ibidem tentum (die & anno, &c.) infra-  
 script' predict' A. B. secund' exactus fuit &  
 non comperuit.

R. O. Ar. Vic'.

Istud breve superius indorsatum mihi  
 deliberat' fuit per R. O. Armig' nuper  
 Dic' Comitatus predict' infrascript' p'or'  
 Predecessor' meum in ejus Exitu ab Officio  
 suo ut superius in Dors' hujus brevis.

Ad Comitatum meum ibidem tentum,  
 (ut supra.)

And if Coroners be wanting, then thus:

Et pro defectu J. W. & M. R. Coronat'  
 Domini Regis Comitatus predict' ulterius  
 inde prosequi non potui.

N. W. Mil'. Vic'.

Kitch. 263. b. Offic. Brev. 197. Wilk. 122.

Upon this Retorn the Coroner will be fined  
 for every Writ, unless he can make a good Ex-  
 cuse. *Dalt.* 240. *Wilk.* 122. *Vide postea.*

Retorn Brevis de Exigi facias pro defectu Com'.

¶ Et quia non fuerunt plures Com'  
 inter die reception' huj' brevis & diem Re-  
 torn'



Ban. Reg. totid ejusde \* Ideo ulterius ad Executionem ejusdem procedere non potui prout, &c. Offic. Brev. 199.

\* Vel sic: — Per quod nihil actum est ad presens. — Or Et ideo in Executione istius brevis ulterius faciend nihil actum est. Dalt. 240.

Retorn' de Exigi facias cum Supersedeas.

¶ Virtute istius brevis mihi directi ad Comitatu meum ibidem tentum (die & ann, &c.) infrascript' predict' J. R. quarto exactus fuit & comperuit & protulit mihi breve Domini Regis de Supersedeas quod huic brevi consue' est, per quod ad Executionem istius brevis ulterius faciend superse'd omnino prout mihi in eod brevi de superse'd precipit'. Offic. Brev. 198. Dalt. 237. Wilk. 120. Kitch. 264. a.

Exigi facias ubi un' comperuit per Superse'd  
Et al' utl.

¶ Ab Executione istius brevis quoad exigend infranominat' A. B. omnino cessabi virtute brevis Domini Regis de Supersedeas mihi direct' quod huic brevi est annex'. Sed ad Com med H. Cent' apud P. in Com pdict' 10 die Maii anno 20 infrascript' infranominat' C. D. primo exact' fuit & non comperuit, &c. Offic. Brev. 236.

Allocat. sur breve de Exigi fac'.

Allocat' quatuor Com ad quos infranominat' A. B. exact' fuit & non comperuit  
ad

# The New Retorna Brevium:

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ad Comd meum hanc tent' apud D. in Ban. Reg.  
Comd pzed infranominat' A. B. quinto  
erac' fuit & non comperuit Ideo per Ju-  
dic', &c. ut ante. Wilk. 121. Offic. Brev.  
223.

Aliter.

Allocat' illis quatuor Comd ad quos in-  
franominat' C. C. erac' fuit & non com-  
peruit Et ulterius virtute istius brevis  
ad Comd meum tent' apud Castrum C. in  
Comd C. infrascript' (die, &c.) pdict' C.  
quinto erac' fuit & non comperuit Ideo,  
&c. ut ante. Dalt. Offic. Vic. 239. & Offic.  
Brev. 198. Green. 227.

Retorn' quod Coron. fuer. absent'.

Quarto erac' fuit. Et ad eundem Comd  
J. M. & C. D. Coronatores Dni Regis  
Comd pdict' solempniter erac' non vener'  
Ideo ad Executoz brevis pdict' ob eoz de-  
fect' ulterius ibidem procedere non potui.  
Dalt. 558. 240. Kitch. 264. a.

Virtute, &c. Et ad Comd meum, &c. Et Pro defe-  
quod non fuer' plures Com' in Com' p' Com'.  
tent' a die recepconis hujus brevis usque  
ad diem retoz ejusdem per quod nihil ac-  
tum est ad p'ens. Kitch. 264. a.

That there was but one Coroner, who refused to  
pronounce the Utlary.

Quinto erac' fuit & non comperuit Et  
quia null' ibidem interfuer' Coron' Do-  
min'



Ban.Reg. *mini Regis Com' p'dia' p'pter A. B. Cor-  
 ron Dñi Regis in partibus de S. Qui  
 quidem Iudicium utlagarie in hac parte  
 promulgand' ibidem reddere recusavit Ideo  
 de ulteriozi Execucione brevis p'dia' per me  
 nihil actum est ad p'fens. Id. Dalt. ibid.*

*Et p' defectu W. B. & G. Corron Comd  
 p'd' ulterius procedere non potui. Dalt. 240.*

If the Sheriff retorn *reddidit se*, he must have the Body in Court at the Day of the Retorn of the Writ, or else he must be amerced, except the Party be so sick that he cannot, &c. *Dalt. 237. vide postea.*

It is also said, that upon the Retorn with a *Supersedeas*; the Sheriff hath been amerced. *Lib. Intr. Tit. Exigent. & Dalt. 237.*

It is said the Sheriff upon a *Cap. Utl.* may retorn, that the Party is in Prison upon a Condemnation for Debt. *Lib. Int. 336. b.* But then it is said he must bring him into Court.

Also the Sheriff may retorn that the Party yielded himself to the old Sheriff, who hath not delivered him. *Ibid. & Dalt. 238.*

Ubi unus Supers' breve de Exigi facias Et alteri non Comperuer'.

*¶ Virtute istius brevis mihi directi ad  
 Comit' meum tent' apud Castrum M. in  
 Comd S. p'dia' (die & anno, &c.) quoad  
 exigend' utlagand' capiend' seu in aliquo  
 molestand' infranominat' A. B. virtute  
 istius brevis p'textu cuiusdam alterius  
 brevis Domi Regis de Supersedeas mihi  
 directi & huic brevi consut' Superse'd om-  
 nino*

Ret  
2  
el  
¶  
Com  
anno  
nes  
nom  
brev  
quoa  
ledi

nino prout mihi in eodem brevis precipitur Ban.Reg.  
Et p<sup>re</sup>dicti C. D. & E. f. quinto exa<sup>cto</sup> non  
comperuerunt Ideo per Iudicium Coram  
Dom<sup>ino</sup> Regis Comit<sup>is</sup> p<sup>re</sup>dicti p<sup>re</sup>fat<sup>i</sup> C. & E.  
urlagat<sup>i</sup> sunt, &c.

R. P. Ar. Vic<sup>us</sup>.

Offic. Brev. &c. 198. Green. 225.

Retorn<sup>us</sup> brevis de Exigi fac<sup>ere</sup> ubi unus reddidit  
se & alteri non comperuer<sup>unt</sup>.

¶ Virtute istius brevis mihi directi ad  
Comitatum meum ibidem tent<sup>us</sup> (die & an-  
no, &c.) A. R. C. D. & ceteri defendentes  
in isto brevis nominati quarto exa<sup>cto</sup> fuerunt  
Et p<sup>re</sup>dicti A. B. reddidit se Prisoni Dom<sup>ini</sup>  
Regis Castri sui W. p<sup>re</sup>dicti<sup>i</sup> cuius quidem  
corpus coram Iustic<sup>ibus</sup> infra script<sup>is</sup> ad diem  
& locum infra content<sup>um</sup> parat<sup>us</sup> habeo sed  
omnes ceteri defendent<sup>es</sup> non comperuerunt  
ad, &c.

R. P. Ar. Vic<sup>us</sup>.

Offic. Brev. ibid. Dalt. 238. Wilk. 120.

Retorn<sup>us</sup> brevis de Exigi facias ubi unus supers<sup>us</sup>,  
2 reddidit se, 3 mortuus est & quarta waviata  
est.

¶ Virtute istius brevis mihi directi ad  
Comitatum meum ibidem tentum die &  
anno infra script<sup>is</sup> infranominat<sup>us</sup> J. H. & om-  
nes alii defendentes subsequen<sup>tes</sup> in isto brevis  
nominat<sup>us</sup> p<sup>re</sup>ter C. D. qui prout mihi  
breve Dom<sup>ini</sup> Regis de Supersedeas Ideo  
quoad eum ulterius Exigi faciend<sup>um</sup> super-  
sedi omnino prout in dicto brevis de Sus-  
perles

Ban. Reg. per se deas mihi precipitur. Et preter J. B. qui reddidit se Prisonere Domini Regis Castri sui Winton in Comitatu predicti cujus quidem corpus coram Justiciis infrascriptis paratum habeo ad diem et locum in dicto brevi contentum ad faciendum id quod breve predictum exigit et requirit Necetiam preter R. M. qui mortuus est, quinto exacti fuerunt et non comperuerunt Ideo per Judicium (et.) Et predicti R. M. wabiata est in presentia J. W. et W. L. Coronati Domini Regis Comitatus predicti. Offic. Brev. 198. Wilk. 121. Dalt. 239. Kitch. 264.

Upon the *Exigent* the Sheriff returned, that the Party was dead; and it was doubted whether it was a good Return; and others held it not good, for the Sheriff is to call the Party from County to County to appear, &c. and if a Man in such Case be outlawed, his Heir may assign it for Error. *Vide Br. 125. Li. Int. 336. Fitz. Ret. 104. &c. Dalt. 239.*

Languidus in Prisona return.

Ad Comd meum, &c. predicti J. B. comperuit et se reddidit Prisonere Domini Regis Castri sui C. infra Comd prefatum et in eadem Prisona modo remanet Languidus Variis Infirmitatibus detentus ita quod propter corporis sui debilitatem et mortis periculum curari non potest Et ea de Causa corpus predicti J. B. coram Justiciis infrascriptis ad diem et locum infrascriptum ad presens habere non possum juxta formam hujus brevis. *Fitz. Ret. 94. & Lib. Intr. 335, 336. Dalt. 239. Wilk. Lat. 221. Kitch. 264 b.*

Where



Where the Sheriff is removed.

Et quia non fuit aliqua al' Cur' Com  
p'ed dum Dic' ejusdem Com remansi Ideo  
ad ulteriozem p'ofecutionem istius h'ebis  
procedere non potui.

A. B. Ar' Vic'.

Green. 227.

Reddidit se super breve de Exigi facias.

ff. Ad Com meum h. tent' apud, &c.  
infrascript' A. B. primo exat' fuit &  
non comperuit Et ad Com meum h. tent'  
apud P. in Com p'dia' p'd A. B. secunda  
erat' fuit & comperuit & reddidit p'isione  
Domini Regis de M. Com infrascript sub  
Custodia mea, Cujus quidem A. B. corpus  
coram Justic' infrascript' ad diem & lo-  
cum infrascript' parat' habeo secund' Exi-  
gent' istius h'ebis.

Offic. Brev. 236. Kitch. 264.

Retorn of a Writ of a Proclamation upon an  
Exigent.

Virtute istius h'ebis mihi direct' ad Com  
meum tent' apud Castrum C. in Com' C.  
infrascript' 21 die Martii anno 19 infra-  
script' primo Procl' feci Et ad General'  
Session' pacis tent' apud Castrum C. p'dia'  
in Com p'd 30 die Apr' anno 20 supradia'  
secundo Proclam' feci Et ad maxime usual'  
ostium Eccle' de B. infrascript' super  
diem Dom' scilicet 10 diem Maii anno  
regni

Ban. Reg. regni Dnd Regis infrascript' Angl', &c.  
 20 immediate post divinum servic' nulla  
 predicatio in eadem Ecclesia adtunc & ibi-  
 dem existens uno mense ad minus anteqm'  
 infranominat' J. S. quinto exat' fuit,  
 Tertio Proclam' feci qd infranominat' J.  
 S. se reddat mihi prout interius mihi  
 pcepit'.

W. W. Mil'. Vic'.

Dalton. Offic. Vi. 241. Wilk. 122. Kitch.  
 265. a. Green. 226.

Aliter.

Virtute istius brevis mihi direct' ad Com'  
 meum tenet' apud C. in Com' C. infrascript'  
 die Jovis 21 die M. anno regni Dnd Re-  
 gis infrascript' 20 primo Proclamari feci  
 Et ad General' Semon' pacis tenet' apud C.  
 in dco Com' in partibus de M. infra-  
 script' die Jovis scilicet 3 die Octob' p'd an-  
 no 20 Dnd Regis infrascript' secundo Pro-  
 clam' feci Et ad maxime usual' officium, &c.  
 (ut supra) tertio publice Proclam' feci Qd  
 J. C. & ceteri omnes Defendentes infra-  
 nominat' se reddant infrascript' Die Ita  
 qd idem Die habeat corpora cor' coram  
 Justic' infrascript' ad diem & locum infra-  
 content' prout istud breve in se exigit & re-  
 quirit. Vide Dalt. 241.

And see there concerning the Retorn of a  
 Writ de bonis restituendis after Exigit.

Aliter.

Per Regem, vide Proclam' in Canc' Et  
 vid' Kitch. 265.

Retorn'

Retorn' de Exigent in London'.

Ad Hust' de Coibus Plitis tent' in  
 Guildhald Cibit' London' die Lune pror'  
 ante festum S<sup>c</sup>i D. anno 30 regni Regis  
 infrascripti' infranominat' I. S. primo ex-  
 act' fuit & non comperuit ad Hust' de Com-  
 munib' Placitis Tent' in Guildhald die  
 Lune pror' ante fest' S<sup>c</sup>e P. Virginis  
 anno supradicto p<sup>o</sup>dict' I. secund' exact' fuit  
 & non comperuit ad Hust' de Comunib'  
 Placitis Tent' in Guildhald p<sup>o</sup>dict' die Lune  
 pror' post festum visitat' b<sup>e</sup>te Marie Virg'  
 anno supradicto infranominat' I. tertio  
 exact' fuit & non comperuit ad Hust' de  
 Comunib' Placitis tent' in Guildhald p<sup>o</sup>dict'  
 die Lune pror' ante fest' S<sup>c</sup>i Jacobi Apo-  
 stoli infranominat' I. quarto exact' fuit &  
 non comperuit ad Hust' de Comunib' Pla-  
 citis Tent' in Guildhald p<sup>o</sup>dict' die Lune  
 pror' ante festum (sc.) infranominat' I.  
 quinto exact' fuit & non comperuit Ideo  
 (sc. ut in al.)

Respons'.

A. B. &amp; C. D. Vic'.

And if the Sheriffs go out of Office before the  
 Retorn, then thus:

Istud breve prout superius indoꝝ nos  
 subnominat' nunc Dic' recepimus de p<sup>o</sup>re-  
 fat' nuper Dic' in eoꝝ exit' ab Officio suo.

Respons'.

J. C. Ar' &amp; R. H. Ar' Vic'.

Vide Thes' Brev. 110.



## Extent.

Vide ante int' Brevia de Canc' & Scacc' separal' Retorn inde. *Vide Wilk. Lat. 137. & vide ante Tit. Elegit.*

## Extent' versus Executorem.

**N.** Ac de & in Rectoria de Ashford cum pertin' separal' pec' terre glebal' continen' per estimationem quadraginta Acres sive plus sive minus & decimis omnium granor' & feni obvencon' comoditat' & proficuis quibuscunq' quolibet anno provenien' crescen' surgen' & renoban' infra Paroch' de Ashford pdia' modo vel nuper in tenura sive Occupatione Abrahami J. clari anni valoris in omnibus exitibus ultra reddit' 10 l. *Vide Offic. Brev. 228.*

## An Annuity extended.

**Fuit** scit' in domini suo ut de libero testato p termino vite sue de una Annuitate sive annual' reddit' 20 l. exen' de, &c. ad Festa, &c. per equales portiones solvend', &c. *Dalt. 557.*

**De** Recogn' extra Canc'. *Wilk. 138.*

Retorn of Extent *sur* forrein Voucher.

**Qui** dicunt super Sacram suu' qd' Tenement' pdia' valent per ann' in omnibus Exit'

**Erit'** juxta verum valorẽ eorundem 20 s. Ban. Reg.  
**In** cujus rei testimonium, &c. Brev. Judic. 93.

And there it is observed, That the Grand  
*Cape ad Valenciã* shall not issue before the Ex-  
 tent be returned and served.

Retorn of Extent to the County Palaſine of  
*Lancaſhire.*

**Reſponſ'** R. S. **Wic** Cancell' **Dñe** Re-  
 gine Ducat' ſui Lanc'.

Dictate iſtius brevis mihi direct' per  
 breve Dñe Regine mandari fec' **Wic** ejus-  
 dem Com' put interius mihi precipit' qui  
 ſic mihi reſpond'.

**J. A. Ar'** **Wic'**, infranominat' **A.** non  
 eſt invent' in balliva mea, reſid' vero Ex-  
 ecutionis iſtius brevis patet in quadam  
 Inquiſitione huic brevi annex'.

**Lanc'** ff. Inquiſito, &c. Brev. Judic. 93, 94.  
 A Fee-Farm Rent extended. *Vide Dalt.*  
*Offic. Vic. 557.*

Aliter ſur Extent' de Tribus Partibus Dimiſſi-  
 on' in ſeptem Partes diviſ. pro Termin' 43. an-  
 norum. *Brev. Judic. 264.* etiam Nulla bona &  
 liberari fec' Dimiſſ'.

Aliter.

**Que** quidem bona & catalla videlicet  
 p'dicta' terminid' ſive intereſſe p'dicta' trium  
 annorum valoris 40 s. ac veſtur' blad' &  
 legit' **Angl'** the Crop of Corn and Grain, vi-  
 deſt tritici Aliginis & avenarũ, &c. & p-  
 dicta'

Ban. Reg. **W** dia' valoꝝ 10 l. ac medietat' terrarū & ten-  
toꝝ p dia' cum pꝛimū videlicet, &c. Ego  
p dia' Die p dia' tali die & annū ult' peterit'  
liberari feci pꝛefat' A. p pꝛecium & ex-  
tent' pꝛed tenendū sibi bona, &c. Vide Brev.  
Judic. 267.

Aliter.

Et qđ p dia' III. die capꝛonis Inquisitio-  
nis pꝛed fuit possessionat' de uno Messuag',  
&c. ex dimissione & concessione quozundam  
(&c.) p diversis annis adhuc ventur' &  
inexpirat' si tam diu vixerit Et ulterius  
(&c.) Qđ p dia' T. die capꝛonis, &c. fuit  
in plena vita & qđ interesse & terminus an-  
noꝝ p dia' III. de & in Messuag' &c. clare  
valet iuxta verum valorem eiusdem 20 l.  
Et ulterius, (&c.) Qđ p dia' T. nulla al  
sive plura bona seu catalla neq; aliqua  
terr' seu tenēta omninū in Com C. p dia' ha-  
buit die redditū Judicii vel unqđ postea  
quo, &c. Quod quidem interesse & terminū  
annoꝝ p dia' III. de & in pꝛed Messuag',  
&c. Ego pꝛefat' Die die capꝛon, &c. pꝛe-  
fat' quer' liberari feci per pꝛecium & ex-  
tent' pꝛed tenendū sibi & assign' suis ut bona  
& catalla sua ppꝛ in parte sua de pꝛed  
parte pꝛout, &c. T. 8. Jac. 1914. Vi. Bre.  
Judic. 267.

It is further there observed to this Effect:

Hill. 1 Jac. Rot. 1801. See in the Remem-  
brance, Trin pꝛimo Ia Brotonk Litera  
B. Cornub inter Markes & Tule. Seisin  
delivered of a Reversion, and of a Moiety of  
Rent also.

Hill.



Hill. 8 Jac Rot. 1211. See in the Remembrance Ban.Reg.  
of the same Term Litera D. Actorn de  
Archiepisc qd liberari fec quer' teri' &  
tenement' Ecclesiastica Clerici in Dioces  
sua videt, &c. Brev. Judic. 268.

Retorn' Extent' de bonis mobilibus & quod Def.  
est Clericus.

Iustic' infrascript' certifico qd infranomi-  
nat' W. S. nulla habet bona neq; catalla  
mobabilia in balliva mea unde debum in-  
frascript' aut aliqud inde parcelle fieri pos-  
sum Et ulterius Iustic' infrascript' certi-  
fico Qd infranominat' W. S. Clericus est  
beneficiat' in Dioces' Ebozum scilicet apud  
H. infrascript' Et qd ipse null' habet Lai-  
cum feod' in balliva mea. Brev. Judic. 94.

Extent retorn sur Recogn' ou Stat.

Cepi Corpus.

Virtute istius brevis mihi direct' Cepi  
corpus infranominat' W. W. cujus qui-  
dem corpus ad diem & locum infracontent'  
parat' habeo prout interius mihi pcepit'.  
Dalt. 233.

W. W. infrascript' non est invent' in Non est  
balliva mea, Et ulterius certifico qd sei- inventus.  
sri feci in man' Dni Regis Maner' de,  
&c. cum pertind in Inquisitione huic brevi  
consut' spec' prout interius mihi pcepit'.  
Li. Intr. fo. 598.

Resid

Ban.Reg. Resid' Execuc' patet in quadam (or pzed')  
 Inquisicōne huic brevi annex'.

A. B. Ar. Vic'.

Dalt. ut supra.

Inquisicō, &c. In cuius rei Testimonium, &c. Ibid. & 234.

Aliter.

J. M. infrascript' non est invent' in balliva mea ideo ipsum capere non possum ad pzesens. Sed quoad extendi & appreciandi Dom' terras & catalla ipsius J. M. juxta formam istius brevis Execuc' inde patet in quadam Inquisicōne huic brevi consut' Que quidm' terr' & catalla in dca Inquisicōne content' in manus Domini Regis seisciri feci. Dalt. ibid.

Aliter.

A. B. Infranoninat' non est inventus in balliva mea Et ideo virtute hujus brevis mihi direct' extendi & appreciari feci omnia terr' & tenita bona & catalla pzed' in dca balliva mea Que quidem Extent' huic brevi est annex' ac etiam omnes terras & tenita pzed' in eadem Extent' specificat' unacum dampnis & custag' suis racionabilibus levabi juxta formam Statut' inde edit' & probis' & secund' formam hujus brevis. Ibid. & Reg. 146.

Aliter

Aliter.

**Qd** Cognizoꝝ fuit de leit' terris in Feodo Et possessionat' de Termina in terris qui per legales Conueiancias venit ei. Hern. 623.

**Qd** Cognizoꝝ fuit leit' de terris p Termina vite alterius. Co. Ent. 296.

**Qd** Cognizoꝝ fuit leit' de terris p Termina vite sue Et possessionat' de aliis terris per Assignaçon Termini annoꝝ. Id. ibid.

**Qd** Cognizoꝝ fuit leit' de messuag & terris in separalibus tenuris in Feodo Et qd fuit leit' de pastura Et qd fuit possessionat' de terris per dimissionem pꝛo annis. Id. 297. bis.

**Qd** Cognizoꝝ non habuit aliquas terras in Feodo sed in iure uxoris que superuixit eum & qd Cognizee perquisiuit de eis per 2 fines Et quod nullus veni Dic ad petendū Liberaçon. Rast. Ent. 596.

**Extent' vers' A. & B. Retoꝝn** qd A. fuit leit' de separalibus messuag & terris in separalibus tenuris in Feodo & de aliis terris in iure ux' pꝛo vita Et quod B. fuit leit' de terris. Co. Ent. 298.

**Retoꝝn Extent' execut' per nuper Dic & Inquisiçon.** Rast. Ent. 595.

**Intraço inde sur Statut' Staple.** 1 Lut. 430. Simile Clif. 866. & 1 Bro. Met. 319.

Extent against Coheirs with an Inquisition of Value, after Scire fac' upon the first Judgment. 1 Mod. Intr. 266.

**Extent' post Ca sa & retoꝝn** qd un moꝝtuus & alter laicus. 1 Mod. Intr. 275.

Extent



Ban.Reg.

**W** Extent sur Statute Staple vers' Clericum ex-  
ecut' per Archiepum de bonis Ecclesiis.

1 Towns. Jud. 141. simile Brev' Judic. 268.

Extent' sur default' de Douchee. Rast.  
247, 377.

Simile sur Forrein Doucher. 2 Brownl.  
45. 1 Mo. Intr. 278.

Extent upon a Statute-Merchant, of other  
Land and Tenements after the like Extent made  
before, whereupon an Inquisition was retorn'd.

1 Mod. Intr. 261.

It is also noted, That where the Sheriff retorn-  
ed, that he hath extended the Land, and shall  
not retorn further, that he hath delivered the  
same to the Plaintiff, 'twas moved he should be  
amerced. *Fitz. Exec. 37. 38. & Scire fac. 117.*  
*Dalt. 234.* yet it is said he is not to deliver them  
till the *Liberate* cometh to him. *Vide Dyer 67.*

Upon an Extent on a Statute-Staple, the She-  
riff retorned the Extent of the Lands, and not of  
the Goods, and yet good. *Br. Tra. 438.*

The Sheriff it is said may retorn, that the De-  
fendant had nothing the Day of the Recogni-  
zance made, but that he had purchased Lands  
after that Time. *Terms del Ley tit. Elegit.*

Also he may retorn *non est inventus nec  
habet bona nec terras.*

Or the Sheriff may find *Pulle terr' si non  
jure Hæoris que supervixit*, or that the Co-  
nusee hath purchased the Land after the Recog-  
nizance. *Dalt. 234.*

The Sheriff retorned, That none came to re-  
ceive the Land, &c. *Li. Intr. 596.*

The Sheriff retorned upon an Extent sued by  
two, that one of the Plaintiffs was dead and  
buried. *Fitz. Execuc' 38. Li. Intr. 595.* or he  
may retorn the *Comisor mortuus.* *Id. 97. Dyer  
299.*

The

The Sheriff returned, that he had no Land Ban. Reg. but in Ancient Demesne. *Fitz. Ret. 109. Dalt.*

234. Yet it is made a *Quare* upon 7 H. 7 fol. 10.

He may upon a Statute Merchant or Staple return that the Debtor is a Clerk. *Dalt. 235.*

But if upon a Statute Merchant, he returneth *quod breve tarde venit*, or that he directed it to the Bailiff of some Franchise, some hold he shall be punished, but it is a *Quare*, and referred to *Lib. Intr. 595.* where it is so returned.

Also upon this Writ the Sheriff may return, that he cannot make Execution, for that another hath those Lands in Execution by Force of an *Electio*, or that another is in by Discent; for that they are not to be put out of Possession without a *Scire facias*. *Fitz. Ret. 112. Execuc. 97. Vide Green. from 182 to 192.*

## False Judgment.

*Vide ante Accedas ad Curiam.*

*De falso Judic' execut'. Rast. Ent. 347.*

*Retornd Brevis de falso Judicio. Clift. 339. Q. 2 Lut. 554, 951.*

## Fieri facias.

*Fieri feci returned.*

*Virute hujus brevis mihi direct' fieri feci de bonis & catallis infranominat' A. B. sumam 80 l. quos quidem denar' co-*  
lam

**B**an. Reg. rati Dñō Rege ad diem & locum infra-  
 mentionat' parat' habeo ad reddendū infra-  
 nominat' C. D. pro Debo & Dampn' suis  
 infraspēc' put per hoc bzebe mihi pze-  
 pitur.

R. S. Ar. Vic'.

Part levied and *nulla bona al resid'*.

**V**irtute, &c. (ut ante usque) ad reddendū  
 infranominat' C. D. in parte debi &  
 dampn' suoz infraspēc' Et ulterius dñō  
 Dñō Regi certifico qđ pdia' C. D. nulla  
 al' vel plura habet bona & catalla in bal-  
 liba mea unde ad pzeiens fieri facere pos-  
 sum resid' Debi & Dampnozū pdia' se-  
 cundū exigenc' istius bzevis. Vide Green.  
 234.

R. S. Ar. Vic'.

Aliter Retorn' de Fieri fec' parcell'.

**I**tem Virtute istius bzevis mihi directi fieri  
 feci de bonis & catallis infranominat' A.  
 B. 20l. 10s. parcell' dampn' infrascript'  
 quos quidem denar' ad diē & locū infra-  
 content' parat' habeo ad reddendū A. B.  
 put interius mihi pzeipitur. Offic. Brev.  
 264.

R. P. Ar' Vic'.

Aliter ubi Vic' Fieri fecit partem debiti  
 & dampn'.

**I**tem Virtute istius bzevis mihi directi fi-  
 eri feci de terris & catallis infranominat'  
 C. D.



**C. D.** decem libras parcelle debiti & damp. Ban. Reg.  
noꝝ infrascript' Et denar' ill' coram Justic'  
infrascript' ad diem & locum infracent'  
parat' habeo ad reddend' infranominat' **C.**  
**F.** prout interius mihi precipitur.

Et ulterius certifico qd̃ pdia' **C. D.** non  
habet ulla alia sive plura terras seu catal-  
la in balliva mea unde resd̃ debiti &  
dampnoꝝ infrascript' ullo modo fieri fa-  
cere possum prout interius mihi precipitur.  
Offic. Brev. 227.

T. B. Ar. Vic'.

Fieri feci.

**N.** Virtute istius brevis mihi directa' de  
bonis & catallis infranominat' **A. B.** in  
balliva mea fieri feci decem libras in-  
fraspecificat' Et denar' ill' parat' habeo co-  
ram **Domin' Rege** infrascript' ad diem &  
locum infracent' ad reddend' infranomi-  
nat' **C. D.** prout interius mihi precipitur.  
Offic. Brev. 227.

M. L. Ar. Vic'.

Aliter.

**N.** Virtute, &c. de bonis & catallis in-  
franominat' **S. R.** in balliva mea fieri  
feci quinq; libꝝ quos quidem denar' coram  
Justic' infrascript' ad diem & locum in-  
fracent' parat' habeo ad infranominat'  
**F. C.** solvend' & reddend' in partem satis-  
factionis debiti & dampnoꝝ inframente-  
nat' Et pdia' **S. R.** nulla alia sive pluc'  
habet

Ban.Reg. habet bona aut catalla in balliba mea de  
**W** quibus residū debiti & dampnoꝝ sibi ali-  
 quam inde parcelлам fieri facere possum.  
 Ibid.

T. B. Ar'. Vic'.

Aliter.

Virtute istius brevis mihi direct' fieri  
 feci infrascript' 10 l. de bonis & catallis in-  
 frascript' R. W. quas quidem 10 l. coram  
 Justic' infrascript' ad diem & locum infra-  
 content' parat' habeo prout istud breve in  
 se exigit & requirit. Dalt. 244.

Aliter.

¶ Virtute istius brevis mihi direct' fi-  
 eri feci de bonis infranominat' M. B. de-  
 tm & dampna infrascript' Et denar' ill  
 coram Justic' infrascript' ad diem & lo-  
 cum infracontent' parat' habeo prout inte-  
 rius mihi precipitur. Offic. Br. 227. Dalt.  
 245.

Fieri fac' ubi bona reman' invendit' pro de-  
 fectu emptor'.

¶ Virtute, &c. Fieri feci unam equā  
 duas Inbencas & viginti oves matrices  
 de bonis & catallis infranominat' M. C.  
 precii debiti & dampnoꝝ infrascript' que  
 quidem bona & catalla penes me rema-  
 nent invendit' pro defeau emptor' Ideo  
 denar' ill coram Domino Rege infrascript'  
 ad diem & locum infracontent' habere non  
 possum prout interius mihi precipitur.  
 Ibid. & Brev. Judic. 265. Vide postea.

Fieri

Fieri facias ubi Vic' Mandavit Ballivo qui  
Fieri fecit.

¶ Virtute, &c. Mandavi Ballivo Joh-  
his S. Ar' libertatis sue de Alford qui  
plenum habet retord omnium brevium &  
Executione eor' infra libertatem pdia' Cui  
executio istius brevis totalit' pertinet fa-  
ciend' extra qua' libertatem nulla Executio  
inde per me fieri potest qui quidem Balli-  
vus mihi retornabit quod virtute cujus-  
dam Warrant' mei inde direct' fieri fecit  
de bonis & catallis infranominat' A. B.  
debum & dampna infrascript' Et denar'  
ill' eor' am Justie infrascript' ad die & lo-  
cum infracent' parat' habet put per  
Warr' meum pdia' ei pcept' fuit. Id. Offic.  
Brev. 228. Vide Fitz. Execuc. 101.

Where there be divers of one Name.

Justie infrascript' certifico Quod sunt di-  
verse plone in Com' meo nois & cognos-  
minis J. S. videlt J. S. de B. J. S. de  
C. & J. S. de W. Et quod non continet'  
in isto brevi de cujus pdia' J. S. bonis  
& catallis denar' infrasp' fieri facerem  
Ideo ad Executionem istius brevis proce-  
dere non potui. Dalt. 245.

Fieri fecit, & partem vendidit, al' reman' ob  
defect' emptorum.

Virtute, &c. Fieri feci de bonis & ca-  
tall' terr' & tenement' infranominat' A. B.



Ban. Reg. ad valenc<sup>e</sup> 2000 l. & ill' de die in diem vendition<sup>e</sup> exposui & inde vendidi ad valenc<sup>e</sup> 100 l. quas quidem 100 l. ad diem & locum infracontent' parat' habeo ad reddend<sup>o</sup> infranominat' J. W. put ulterius mihi precipit' Et resid<sup>o</sup> bono<sup>r</sup> & catallo<sup>r</sup> p<sup>r</sup>dict<sup>o</sup> adhuc penes me remanent ob defect<sup>o</sup> emptor<sup>o</sup>. Dalt. 246. Wilk. 130. Compl. Sheriff 227.

Aliter.

Virtute istius brevis Cepi bona & catalla A. W. infrasp<sup>e</sup>c ad valenc<sup>e</sup> om<sup>n</sup>i denar<sup>o</sup> infrascript' Et ill<sup>e</sup> venditio<sup>n</sup>e exposui Ad quod nondum inveni emptores Et ideo denar<sup>o</sup> infrasp<sup>e</sup>c habere non possum ad diem & locum infracontent' put mihi precipit'. Id. Dalt. 246. Comp. Sheriff, 228.

Aliter & null' al' bona, &c.

Virtute, &c. Cepi bona & catalla infrascript' A. W. ad valenc<sup>e</sup> 4 l. de infrascript' 8 l. que bona & catalla penes me remanent invendit' pro defect<sup>o</sup> emptor<sup>o</sup>. Adq<sup>ue</sup> p<sup>r</sup>dict<sup>o</sup> A. W. nulla alia neq<sup>ue</sup> plur' bona seu catalla nec aliqua terr' seu tenement' habet in balliba mea unde resid<sup>o</sup> p<sup>r</sup>dict<sup>o</sup> 8 l. seu aliquam inde parcelle ad p<sup>r</sup>esens fieri facere possum. Ibid.

Aliter sur Cepi in manus Dni' Regis quod bona, &c. reman' invendit' sed de die in diem vult exponere, &c.

Adhuc illa bona & catalla que nuper de bonis & catallis firm<sup>o</sup> Occupat' & Tenement<sup>o</sup>

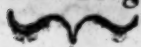
ment' Manerii de W. ad valenc' 10 l. in Ban. Reg.  
 manus Dñi Regis cepi p defectu emptor  
 reman' invendit' Sed de die in diem ven-  
 ditioni exponam & de denar' inde pbenien  
 qm citius potero vobis respondebo. Ibid.

Quod vendidit bona prius Capt. & Fieri fecit re-  
 sid. & tot. parat' habet.

Virtute, &c. vendidi bona & catalla infra-  
 script' p me prius capt' ac etiam fieri fec  
 de bonis & catallis R. S. infranominat'  
 resid' debit' infracontent' ita qd omnes de-  
 nar' ill' parat' habeo coram Dño Rege ad  
 diem & locū infracontent' infranominat'  
 H. W. solvend' pnt interius mihi p̄cipi-  
 tur. Ibid.

Fieri fac' pro parte & devast' pro resid'.

Virtute istius brevis mihi direct' de bo-  
 nis & catallis que fuer' infranominat' R.  
 C. ted mortis sue in manibus C. C. Exe-  
 cutricis Testid' p̄dicta' R. existē in balliva  
 mea fieri feci 23 l. & 9 d. parcelle debi in-  
 frascript' Et denar' ill' ad diem & locum  
 infracontent' parat' habeo Et ulterius  
 certifico quod p̄dict' C. in vita sua devasta-  
 vit & consumpsit bona & catalla que fuer'  
 p̄dicta' R. ted mortis sue ad valenc' resid'  
 debi & dampnorū infrascript' que debent &  
 manus suas administrand' Et quod eadem  
 C. ted mortis sue nulla fuit bona seu ca-  
 talla sua p̄p̄p̄ Unde dampna infrascript'  
 aut aliquam inde parcelle fieri facere p̄-  
 tui, pnt per istud breve mihi p̄cipitur.



## The New Retorna Brevium;

Aliter secundum Dalt. 245.

Virtute, &c. Fieri feci 100s. de bonis & catallis infranominat' M. H. quos quidem 100s. coram Justic' infrascript' ad diem & locum infracentent' parat' habeo prout, &c. Et ulterius eisdem Justic' certifico qd' Executoꝝ infrascript' bona & catalla infranominat' W. H. Testatoꝝ penitus devastaver' sic qd' summa 10 Marcarū infrascript' nec aliquam inde parcelle fieri facere non possum.

Aliter secundum Thes. Brev. 117. nulla bona sed Devastavit.

Infranominat' R. W. nulla het bona seu catalla que fuer' infranominat' M. W. sed mortis sue in manibus suis administrand' in balliva nostra Unde dampnū infrascript' aut aliquam inde parcelle fieri facere possumus sed diversa bona & catalla que fuer' p̄dicta' M. post mortem p̄dicta' M. sed mortis sue ad valenc' dampnū infrascript' ad manus p̄d' R. post mortem p̄dicta' M. Administrand' debetū que quidem bona & catalla p̄dicta' R. elongabit devastabit & in usum suum propꝝ convertit.

Aliter ad valenc' debiti & dampn'.

Virtute istius brevis mihi direct' Dñō Regi certifico quod bona & catalla que fuer' infranominat' F. C. sed mortis sue ad valenc' debi & dampnū infrascript' post mortem



tem p̄dict' f. C. infrascript' J. S. de Ven<sup>Ban. Reg.</sup>  
 admittend' Ac quod idem J. ante ad-  
 vent' ejus h̄ebis mihi ut p̄ter' direct'  
 de' statit & ad utrum suum p̄p̄ convertit  
 & disposuit bona & catalla illa per quod  
 debm & dampna p̄dict' aut aliquam inde  
 parcelle fieri facere non possumus. Thes.  
 Brev. 125.

Ubi Superfed' pervenit ad Vic'.

Ante advent' p̄dicti brevis.

ff. Justic Dñd Regis in h̄ebi huic  
 Schedul annex' ad diem & locum in h̄ebi  
 ille content' certifico quod ante advent'  
 istius h̄ebis mihi direct' h̄ebe Dñd Regis  
 de Superfed' ad manus meas pervenit Te-  
 noz cuius quidem h̄ebis sequitur in hec  
 verba (videlicet) Carolus secund' Dei gra,  
 &c. Ratione cuius ad Execucionem dicti  
 h̄ebis p̄imo superius mentionat' proce-  
 dere non potui p̄out per idē h̄ebe mihi  
 p̄cipitur. Offic. Brev. 228. vide postea.

T. B. Bar. Vic'.

Fieri feci pro parte Rescuss' pro al' parte.

ff. Virtute istius h̄ebis mihi direct' cepi  
 in manus meas de bonis & catallis infra  
 nominat' J. A. ad valentiam undecim li-  
 b̄ar' quas quidem 11 l. aut aliquam inde  
 parcellam coram Dño Rege ad diem & lo-  
 cum in h̄ebi p̄ed' content' habere non  
 possum.

Ban.Reg.

Et ulterius certifico quod pro ulterioꝝ executione brevis ejusdem & ante factoꝝ ejusdem feci quoddam Warrant' meum cuidam J. G. ballivo meo quod de bonis & catallis pꝛedia' J. N. in balliva mea fieri fac' rescoꝝ debiti & dampnoꝝ in brevi pꝛedia' specificat' Qui quidem ballivus meus virtute dicti Warrant' ei direa' & ante re- toroꝝ ejusdem scilicet nono die febr' anno regni dicti Domini Regis nunc octavo apud Parochiam omnium Sanctoꝝ in Hundꝛed' de H. in Com' pꝛedia' cepit in manus suas di- versa bona & catalla pꝛedia' J. M. ad valentiam viginti libꝛar' & eadem bona & catalla in Custodia sua adducit & ibidem habuit super quo quidam R. M. de Pa- rochia omnium Sanctoꝝ pꝛedia' Yeoman post- ea scilicet pꝛ' nono die febr' anno octavo supꝛadicto Vi & armis videlicet baculis gladiis & cultellis in pꝛedia' ballivum meum apud Parochiam omnium Sanctoꝝ pꝛedia' insult' fecit & ipsum verberavit vulnera- vit & maletraxavit Et pꝛedia' R. M. ea- dem bona & catalla in Custodia mea oc- casione pꝛedia' ut pꝛetur crissen' a Custod' mea adducit & ibid' cepit & rescussit contra voluntat' dicti ballivi mei.

Et ulterius certifico quod pꝛ' J. N. nul- la alia sive plur' habet bona seu catalla in balliva mea unde rescoꝝ debiti & dampnoꝝ pꝛ' aut aliqua in pꝛ' parcella fieri facere possum.

Offic. Brev. 226. vide postea Rescuss'.

T. S. Ar. Vic'.

Fieri

Fieri feci pro parcell' & reman' invendit'.

ff. Virtute, &c. Cepi bona & catalla infrascript' A. B. ad valenciam ducentar' & sex librar' parcell' debiti & dampno infrascript' que bona & catalla penes me remanent invendit' pro defectu emptor' Et ulterius, &c. qđ pdict' A. B. non habet, &c. Id. 228.

Fieri feci versus Administrat' pro parcell'.

ff. Virtute istius brevis mihi direct' & huic Schedule annex' Justic' Dñi Regis in eod' brevi mentionat' ad diem & locum in eodem brevi content' certifico qđ fieri feci de bonis & catallis que fuerunt T. H. in brevi illo nominat' tempore mortis sue in manibus S. D. in eodem brevi nominat' administrand' in balliva mea existend' octogint' lib' parcell' debiti & dampno in brevi predict' specificat' quas quidem octogint' libras coram dicto Domino Rege parat' habeo ad reddend' S. D. in dicto brevi nominat' in partem satisfactōn' debi pdict' secund' tenorem brevis ill' accciam certifico Qđ pdict' S. D. nulla habet al' sive plura bona seu catalla in balliva mea que fuer' pdict' T. H. tē mortis sue in manibus suis administrand'.

Et ulterius certifico Qđ pd' S. D. nulla habet bona seu catalla p̄ter in balliva mea unde dampn' in brevi pdict' spec' aut aliqua inde parcell' fieri facere possum.

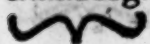
Offic. Brev. 228.

T. B. Ar. Vic'.

Aliter



Ban. Reg.



Aliter ubi Superfed' Vic'.

Quoad fieri fac' denar' infrascript' virtute cujusdam brevis Dñi Regis de Superfed' mihi direct' omnino Superfed' quod quidem breve de Superfed' huic brevi annex' vobis mitto Et ulterius certifico qd' dict' J. C. non aliqua alia vel plura bona seu catalla terras seu tenita in eadem balliva mea habet Unde denar' aliquos ad presens levare possum, &c. Dalt. 246.

Aliter sur null' habet bona, &amp;c.

Infranominat' R. B. nulla habet bona seu catalla terr' aut tenita in balliva mea unde denar' infrascript' fieri facere possum, ut interius mihi precipit'.

Aliter.

Infranominat' R. B. nulla habet bona, &c. de quibus denar' infrascript' aut aliquam inde parcell' possum levare prout interius mihi precipit'.

Aliter.

Infranominat' R. B. Nichil habet in balliva mea, unde debum & dampn' infrascript' aut aliquem inde denar' fieri facere possum secund' exigent' hujus brevis. Vide Dalt. 247. Wilk. 130. & Greenw. 231.

It

It is there noted in *Dalton*, That if the *Fieri Ban. Reg. facias* be duly executed, and the Plaintiff satisfied, the Sheriff needeth not to retorn the Writ.

Also, that upon a *Fieri facias* the Sheriff may sell a Lease for Years, and yet never make any Mention thereof in his Retorn, but to retorn generally *quod Fieri fecit de bonis & catallis.* 4 Co. 74. b.

That upon a *Fieri facias* against *J. S.* who dieth before Execution, the Sheriff may levy the Execution of the Executors or Administrators of *J. S.* *Dyer* 76. 363.

#### Aliter.

*N. M. infra scripti' nulla habet bona seu catalla infra ballivam meam de quibus Executionem istius brevis facere possum put, &c. nec aliqua terr' seu tenita fuit infra eand' 5 die J. nec unquam postea put patet in quadam Schedul huic brevi consut'. Dalt. 247.*

The Sheriff cannot retorn *Nihil habet*, where Assets are found by a Jury.

Also a Sheriff must retorn directly *quod Nihil habet* or *non habet aliqua bona in balliva sua*, and not put ei aliquo modo constare poterit. *Id Dalt. 247.*

Retorn' *Fieri fac'* ove *Scire fac'* si constare poterit, ubi nulla bona Testatoris, & quod Administrat' elongavit, &c.

*Infranomina't' M. T. nulla habet bona seu catalla que fuer' infranomina't' J. T.*  
122

Ban. Reg.

ted mortis sue administrandū in balliva  
 nostra unde debet & dampna infrascript'  
 aut aliquam inde parcelle fieri facere pos-  
 sumus Et nulla habet bona seu catal' sua  
 pp̄ in balliva nostra unde dampnū pdict'  
 aut aliquam inde parcelle fieri facere pos-  
 sumus pdict' tamen M. post mortem pdict'  
 J. diversa fuit bona & catalla que fuer'  
 ejusdem J. ted mortis sue in manibus  
 suis administrandū ad valenc' debi & dam-  
 norū infrascript' Que quidem bona & catal-  
 la pdict' M. postea & ante advent' nobis  
 hujus brevis vendidit elongavit vel in u-  
 sum suum pp̄ convertit put p̄ quandam  
 Inquisitionem sup Sacram p̄boz & lega-  
 liū hominū de balliva nostra in hac parte  
 coram nobis virtute hujus brevis capt' &  
 eidem brevi annex' nob constabat Et ulte-  
 rius pdict' M. nihil habet in balliva no-  
 stra unde ei scire facere possumus nec est  
 invent' in eadem.

Actū Execucionis hujus brevis patet in  
 quadam Inquisitione huic brevi annex'.

Respons'.

T. S. & J. G. Vic'.

Inquisitio indentat' & capt' tali die &  
 loco p̄ Sacram J. F. J. C. &c. qui di-  
 cunt super Sacram suū qd M. L. in dco  
 brevi nominat' Admī bonorū & catallorū  
 que fuer' J. L. in dco brevi nominat' ted  
 mortis sue post mortē ejusdem J. diversa  
 fuit bona & catalla que fuer' ejusdem J.  
 ted mortis sue in manibus suis admini-  
 strandū ad valenc' debi & dampnorum in  
 dco brevi content' Que quidem bona & ca-  
 talla pdict' M. postea & ante diem captoū  
 hujus



huius Inquisitionem vendidit elongabit vel <sup>Ban. Reg.</sup> in usum proprium convertit. In cuius rei Testimonium tam Vic qm Jur' apposuer' sigilla. Vide Brev. Judic. 64, 65.

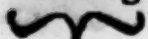
Fieri feci, &c. quandam Dimissionem, &c.

Virtute, &c. Fieri feci, &c. quandam Dimissionem & Concessionem eidem J. H. per quendam C. G. p Indentur' suam facta de & in uno Messuagio, &c. scituat', &c. infra ballivam meam Et pdicta Dimissionem ac omne & totum jus statum titulum terminum annorum & demand' que pdicta J. H. modo habet de & in pdicta premissa virtute ejusdem dimissionem vel aliter venditionem exposui & vendidi cuidam p. H. Gen p sum 76l. 13s. 4d. Neciam Fieri feci de aliis bonis & catallis pdicta J. H. ad valenc 65l. 6s. 8d. quas quidem denar' sumas sic in forma pdicta per me lesbat' in toto se atting ad sumam 142l. Et eandem sumam coram Dño Rege ad diem & locum infracontent' parat' habeo ad reddend infranominat' C. P. & J. Ar' ejus in parte satisfactio Damptorum infrascript' put p breve istud interius mihi precipitur Et qd pdicta J. H. nulla alia sive plura bona aut catalla in balliva mea habuit unde residu pdicta debet' 145l. 6s. 2d. fieri facere possum secund' exigenc' hujus brevis.

A. B. Ar' Vic'.

Vide Dalt. Offic. Vic. 244. Wilk. Lat. 129.

Aliter



Virtute istius brevis mihi direct' de ter-  
ris & catallis infranominat' A. B. Cepi  
videlicet un' Messuag' cum p'tin' in C. in Com  
meo R. modo in tenur' cujusdam C. D.  
quod p'dict' A. B. tempore capto' ejus-  
dem tenuit sibi & Assign' suis p' quodam  
termin' annorum qui nondum p'terit ex  
dimissione concessione vel assignatione cujus-  
dam R. B. ad valenc' 10l. que quidem  
terr' & catall' adhuc reman' invendit' in  
manibus meis pro defectu emptorum fione  
cujus eisdem denar' coram Justic' infra-  
mentonant' ad diem & locum infracontent'  
habere non possum Ad reddend' infrano-  
minat' C. D. put' interius mihi p'cepit.

R. S. Ar. Vic'

Fieri feci parcell' vers' Exec'.

¶ Virtute istius brevis mihi direct'  
Fieri feci de bonis & catallis infranominat'  
C. C. ducent' septuagint' & octo lib' & de-  
cem solid' parcell' debiti & dampno' infra-  
script' Et denar' ill' coram Dño Rege in-  
frascript' ad diem & locum infracontent'  
parat' habeo ad reddend' infranominat'  
W. B. Gen' in portem satisfactionis de-  
biti & dampno' infrascript' secund' teno-  
rem brevis illius.

Et ulterius certifico quod p'dict' C. C.  
nulla habet alia sive plur' bona seu catalla  
in balliva mea unde resid' debiti & damp-  
no'



noꝝ infrascript' aut aliquam inde parcel- Ban. Reg.  
lam fieri facere possum.

J. D. Mil'. Vic'.

Offic. Brev. 229. & Brev. Judic. 258. Green-  
wood, 234.

Fieri feci parcell' versus Administrat'.

**N.** Virtute, &c. Fieri feci de bonis & ca-  
tallis que fuerunt **M. D.** inframentionat'  
tempore mortis sue in manibus infrano-  
minat' **E. D.** & **D.** ux' ejus administrand'  
in balliba mea existend' ducent' & decem li-  
b' quatuordecim solid' & octo denar' par-  
cell' debiti & dampnoꝝ infrascript' quos  
quidem denar' coram Justic' infrascript' ad  
diem & locum infracotent' parat' habeo  
ad reddend' infranominat' **F. G.** in par-  
tem satisfactionis debiti infrascript' secund'  
tenorem istius brevis.

Acetiam certifico quod p'dict' **E. & D.** non Nulla bo-  
habent ulla alia sive plur' bona seu catalla na Testa-  
in balliba mea que fuerunt p'dict' **M.** in tor'.  
manibus suis administrand'.

Acetiam certifico quod infranominat' **L.**  
**D.** nulla habet bona seu catalla in balli-  
ba mea que fuerunt p'dicti **M.** in manibus  
suis administrand'.

Acetiam certifico qd p'd' **E. D. & M.** nul- Nulla bo-  
la habent nec eoz' aliquis habet in balliba na propr'.  
mea ulla bona seu catalla propria unde  
dampn' infrascript' aut aliquam inde par-  
cellam fieri facere possum.

Et ulterius certifico quod p'dict' **E. &**  
**D.** post mortem p'dict' **M.** habuerunt di-  
versa bon' & catalla que fuerunt dicti **M.**  
tempore



Ban. Reg. tempore mortis sue in manibus p̄dicta.  
**W** E. & D. administrandi ad valenciam debiti  
 infra scripti sed ante adventum istius  
 h̄ebis p̄dicti E. & D. diversa bona  
 & catalla que fuerunt p̄dicti W. tem-  
 pore mortis sue ad valenciam debiti infra-  
 scripti que ad manus p̄dictoꝝ E. & D. de-  
 venerunt devastaverunt & ad usum suum  
 proprium converterunt p̄ quod resis debiti  
 & dampnoꝝ infra scripti ullo modo fieri  
 facere possum. Offic. Brev. 229.

Devasta-  
vit.

Devastabit Retoꝝ sur fieri fac. Thes.  
 Brev. 46.

Nulla bona Testatoꝝis nec propria Re-  
 toꝝ sur fieri fac. 46 Id. 117. 123. & De-  
 vastabit pur part des biens.

Part' Retoꝝ lebie sur fieri fac. Id. 48.  
 816. Et nulla alia sive plura bona.

Entrie del Devastabit Retoꝝ al Part,  
 Et del residue Retoꝝ lebie. Id. 122. 258.

Retoꝝ que Admin ad nul biens del  
 Intestate & nul biens pp̄. Id. 237.

Retoꝝ nulla bona sur fieri fac per Vic  
 London. Id. 125.

Retoꝝ devastabit sur Seire fac per Vic  
 B. Ibid.

fieri fac de uno Termino annoꝝ dimiss.  
 Brev. Judic. 271. Et ibi notat' que si Term  
 soit venu p̄ vertue del fieri fac oꝛ vendi-  
 tioni exponas & denar' deliver al Plaini'  
 & puis Judgment reverse Restitution terra  
 de denariis & nemp del Term.

It is said that the Sheriff upon a *Fieri facias*  
 may seize and sell Corn growing upon the Defen-  
 dant's Land, and the Party to whom this Sale is  
 made, shall have Liberty of cutting and carrying  
 it away by Virtue of such Sale made by the She-  
 riff, or other Officer in the Execution of his  
 Writ.

But it is a *Quære* whether the Sheriff may Ban. Reg. seize and sell Grass growing, because Grass grows naturally out of the Land without any Tillage. *Dalt.* 556.

*Sur Scire fac Inquir' Retorn' nulla bona Intestatoris, sed Devastabit Et nihil habent.* Thes. Brev. 238.

*Vide Comp. Sheriff.* 215, 216, &c.

*Vide the Sheriff's Demeanor in executing a Fieri facias, Compleat Sheriff* 221.

*Vide Greenwood* 202, &c.

### Fieri Fac'.

*Denarii lebat' solut' Attorn'. Rast. Ent.* 37.  
*Dic' deliberabit denar' lebat' quer' in Cur.* Ibid.

*Dic' onat' se cum denar' lebat', Et non pfert eos in Cur'.* Ibid.

*Qd' Exec' nulla habet bona Testatoris nec aliqua bona pp'. Id.* 328.

*Fieri fac' de bonis Ecclesiasticis qd' Fieri fac' parcell' Et qd' non fuer' plur' bona.* Id. 37.

*Qd' Def. est Clericus beneficiat', &c. P. 6. E. 3. 52.*

*Fozmedon Orig' inde. Co. Ent.* 255.

*Sur Restitution sur Fieri fac' nihil Retorn'.*

*I. B. & al infranominat' nihil habent & eoz aliquis nihil habet in balliva mea unde restitue bonoz & cata' infrascript' infranominat' W. M. habere facere potui necnon 24 l. infrascript' eidem W. M. Fieri*

U

ri

Ban. Reg. ri facere potui pout, &c. Vide Dalt. Vic.  
 247. Kitch. 270. a.

Aliter secund' Comp. Sheriff 231.

Virtute istius brevis mihi direct' (tali die & anno infrascript') tenement' infrascript' cum ptiā reſeibri & infranominat' C. & H. plena possessione & ſeiſnam inde reſitui puc interius mihi p̄cipit'.

Retorn' brevis de Gestu & Fama.

Virtute istius brevis Dño Regi ad diem infrācontent' certificam⁹ Qd non ſunt aliqua Indictamenta nec est Indictament' ver⁹ infranominat' G. penes nos reſiden⁹ Et ulterius Dño Regi certificamus qd iuxta formam & effectum huius brevis de Gestu & fama p̄dicta' G. diligent' inquirimus Et nihil mali de eodem G. invenimus.

E. P. & G. P. Justic'.

Vide ante.

Retorn de Formedon.

Pleg de P̄os } J. D.  
 H. D.

Sumo,



Sumonitozes infra 2 J. H.  
fioiat J. S. J. S.

Ban.Reg.

A. B. Ar' Vic'.

See *Dalt.* 247. where it is observed that the Sheriff may retorn *Tarde &c.* but then if the Demandant sues an Alias Summons, there ought to be nine Retorns between the Teste and retorn of it. 2 *Dyer* 252. but *quære* the *Stat.* 16, 17. *Car.* 2. concerning Days in Bank.

In a *Formedon* the Sheriff retorn'd *quod Nihil habet, &c. nec est inventus, &c.* and was not allowed to be a good Retorn, for in this Writ the Sheriff may summon him in, (or upon) the Land demanded, whether he be Tenant thereof or no.

Retorn' de Visu in Formedon. 2 *Kitch.* 271. b.

Virtute, &c. Dñi Regis huic Schedul annex' habere feci J. G. in eodem brevi nominat' visum de 40 Acr' Pastur' cum pertin' in G. quas H. f. in Cur' Dñi Regis coram Justic suis apud Westm clam ut jus & Hereditat' sua versus pdict' J. G. p breve Dñi Regis in forma Donacionis in Descend Et dixi quatuor milia qui visui illi interfuer' qd sunt coram Justic dñi Dñi Regis apud Westm ad diem in dño brevi spec' ad testificand visum ill' put in eodem brevi mihi precipit'. Vide ante Tit. Dower. Et vide postea Tit. Grand Cape & Tit. View.

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### Forest.

Vide Dalton 248. Vide in Scacc' Tit. Summons.

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### Garranty del Charters.

The Proceſs in this Writ is Summons, Attachment and Diſtreſs Infinite, until the Party comes.  
*F. N. B. 156. Co. Lit. 102.*

*Nihil* is allowed a good Retorn in this Writ.  
*Fitz. Ret. 12. vide Dalt. 248.*

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### Gard.

Retorn' de Brief inde. *Vide Dalt. 248.*

De Diſtreſs & del Proclam' in Brief de Droit de Gard.

*Quia p̄dica' Defend' diſtrict' ſunt per caſtalla ad valenc' 2s. Et Manucapt' p̄ J. M. & R. J. and that he made Proclamation, &c.*  
But in this Writ the Defendant is to be ſummoned.

And

And *Nihil* also may be returned upon them. *Ban. Reg. Fitz. Proclam. 5.*

He may also return *Tarde*, or that the Enfant is in another County. *Fitz. Proclam. 26. 164.*

## Grand Cape & Petit Cape.

*Vide ante Dower & Formedon & Cap' ad Valentiam.*

This Writ of *Grand Cape* may issue when any real Action is brought, and the Tenant does not appear, but makes Default at the first Summons, and thereby forfeits his Land. *Terms del Ley, & Fitz. 86. Dalt. 249.*

So that by the *Grand Cape* the Tenant is summoned to answer to the Default, and over to the Demandant; but by the *Petit Cape* he is summoned to answer to the Default only. *Ibid. ut supra.*

Also the *Grand Cape* issues upon Default before Appearance, and the *Petit Cape* upon Default after Appearance. *N. B. 178.*

The Sheriff must also return the Names of the Summoners and Viewers.

Retorn' de Grand Cape in Formedon secund'.  
Brev. Judic'.

Virtute istius brevis mihi direct' tali die & anno infrascript' Cepi in manus Dñi Regis per visum J. D. & R. F. pbon & legalium homin' de Com' meo infrascript'



Ban.Reg. **Teñta infra spec pñd put mihi interius  
precipit'.**

**Sum per J. P. M. C.**  
**P. C. Ar. Vic'.**

Simile sur Grand Cape in le Remainder.

**Virtute istius brevis missi direc' tali  
die & anno infrascript' Cepi in manus  
Dñe Regine Teñta infrascript' cum pñd  
per visum A. B. & C. D. pbon & legali-  
um homi de Com meo put interius mi-  
hi precipit'. Brev. Judic. 66.**

**Sum' C. B. H. H.**  
**E. B. Ar'. Vic'.**

Aliter secund' Dalton 249.

**Virtute istius brevis 10 die M. anno  
infrascript' per Visum A. B. & C. D. p-  
bon & legalium homin de Com meo Cepi  
in manus Dñi Regis terras infrascript'  
put interius mihi precipit'.**

**Sumonitozes J. D. R. F.**

Aliter.

**Virtute, &c. Cepi in manus Dñi Re-  
gis p Visum A. B. & C. D. pbon & lega-  
liu homin de Com meo de terris & Teñ-  
tis J. M. infranominat' ad valenc' uni-  
us Messuag, &c. ut in brevi infracontent'  
(tali die & anno) juxta formā huj' brevis :  
Or put interius mihi precipit' : Or put  
istud breve in se exigit & requirit.**

Aliter.

Aliter.

**Virtute** (Et.) **Cepi** (Et.) **Certiam** partem **Messuag** gardinoꝝ & ceteroꝝ pmissioꝝ put **interius** mihi pꝛecipit'.

Aliter.

**Virtute** istius **bzevis** **Cepi** in manus **Dñi Regis** tali die & anno, Et. omnes terras & **Centa** reddit' & servic' cum pñis suis in **bzevi** isto spec' secund' formam huius **bzevis** per **Vitum** T. W. B. B. & f. C. pꝛozum & legalit' homin' de balliva mea put **interius** mihi pꝛecipit'.

Upon this Writ the Sheriff may retorn, that the Party hath nothing per quod **Sumoniri** potest. Fitz. Ret. 10. Brev. Ret. 7.

In *Brev. Judic.* 66. It is observed, that **Nihil** habet is a good Retorn upon the **Grand Cape ad valenc'**, but that the Vouchee shall not be received to answer before the **Sequatur suo periculo** is returned; yet at the Day of the **Sequat'** He shall be received to answer altho' the Sheriff returns **nihil** habet upon the **Sequat'**.

It is there also noted, That in *Hill.* 11. H. 6. Rot. 333. Upon a **Grand Cape ad valenc'**, the Sheriff returned, **Nihil**, and a **Testatum quod satis habet & alias & pluries**, and **Sequatur suo periculo**.

Again *ibid.* pag. 67. **Nul** Extent' issua si le Vouchee ne soit Vouch in Forein County.

The Sheriff may also retorn, **Quod nullus venit ex parte quer' ad ostendend' mihi terras** Et ideo non potui terras capere, but

Ban.Reg. he cannot it is said so retorn, if he made the Summons before. *Fitz. Ret. 54. & 103.*

Yet some hold this Cape in manum nram to be only Form, and the Lands ought not to be seized. *Kiel. 117.*

Also it is said he may retorn that there is no such Town, &c. *Fitz. Sav. Def. 73.*

And if the Place where the Writ ought to be executed be within a Franchise, which hath full Retorn of Writs, then the Sheriff may retorn *Mandavi Ballivo Libertatis.*

*Executio istius brevis patet in quadam Schedul huius brevis annex'.*

*Ego A. B. Die Com C. Mandavi J. W. Ballivo Libertatis de R. in Com p'dia' qui habet plenum retord omnium h'rium & Execucionem eorundem infra Libertat' p'dia' in Com p'dia' Et ad quem Executio istius brevis totalit' pertinet faciend' pro eo qd dicta Executio inde alibi in Balliva mea extra d'cam Libertatem fieri non potuit, qui mihi sic respondet, &c. Vide Libr. Intr. fol. 399. b. & Dalt. 250.*

Also he may retorn, *Qd virtute, &c. 3 die anno, &c. Cepi in manum Dni Regis duos solidat' reddit' infra script' p visum R. & J. legalium homin' Com p'dia' put interius mihi p'cepit'.*

Retorn of a Grand Cape in Dower secund'.

*Greenw. 228.*

*Virtute istius h'is mihi direct' 26 die M. anno infra script' Cepi in manus d'ci Dni Regis per vis' H. R. & C. R pbozum & legalium homin' de Balliva mea tertiam partem*



**Ban.Reg.**

{  
 १. ७.  
 ६. १.

R. S. Ar. Vic.

secund. Brev. Judic. 67.

### Respon's.

S. H. & W. C. Vic'.

*Causa, &c.*

But by the Act of 30 Car. 2. A Judge at his Chamber may grant a *Habeas Corpus* returnable *immediate* in Vacation-Time, except it be where the Parcy is committed for Treason or Felony.

And if he be in Prison for Treason or Felony,  
and be attainted, it seemeth that the Sheriff may  
return

**Ban. Reg.** retorn this, and that therefore he cannot have the Body in Court at the Day.

But it is made a *Quære*, whether the Sheriff may retorn as follows upon the Parties, being in Execution upon a *Ca. Sa. &c.*

**R. Infrañoiat' J. S. captus fuit, &c. & Prifone, &c. Comiffus Virtute cujusda hys de Cap ad fatisfaciend.**

Or thus: — **Ad Corpus infrañoiat' R. C. jacet sub falva cuftod mea in Execufione ad sextam C. B. p 100l. ret' coram Iuftic Dñi Regis apud Weftm a die Scti Mich in und mensem.**

**Ideo Corpus ejus ad diem & locum infracontent' habere non poffum put interis us mihi pcpitur. Vide Dalt. 253.**

For it is obferved, That if a Man be condemned in any Court, and his Body be taken in Execution, and then he procures any Writ to the Sheriff to remove his Body, &c. the Sheriff upon fuch Writ ought not only to retorn the Truth, or Cause of the Condemnation, *fcilicet*, That his Prifoner is condemned by Judgment, or in Execution, that fo at the laft the Prifoner may be remanded, for he fhall not be let to Mainprife, but be fent back to Prifon, there to remain until he hath fatisfied the Plaintiff. But alfo, the Sheriff ought to bring in the Body at the Day, and according to the Writ. *Fitz. 251. & Stat. 2 H. 5. chap. 2.*

Upon this Writ therefore are divers Manners of Retorns, as will appear by what follows :

**As Tanguidus.**

**Mortuus, Utlagatus, Excommunicatus.**

**Non**

Non in Custod.

Ban. Reg.

In alia p̄sona p̄ brebe mihi prius di-  
rea.

In p̄sona p̄ Trans.

p̄o Felonia.

p̄o Contrafactione monete.

p̄o Mordzo.

p̄o Suspitione Latrocinii.

p̄o Computo.

Per Supplicabit.

p̄o Diversis p̄dicionibus.

Per Ca Sa & Superled.

Captus p̄ Warrant' Justic de Pacis.

Captus p̄ Deho.

Per Precept' Dñi Regis & p̄ alibus.

Languidus retorned.

Virtute istius brebis vobis certifico qđ  
ante adventum istius brebis, Virtute cu-  
jusdam alterius brebis mihi prius direct'  
A. B. infrascript' in p̄sona Castri Dñi  
Regis de C. extit' ac ibm Languidus &  
infirmus jacebat, & in eadem p̄sona ad-  
huc Languidus & infirmus jacet ita quod  
ipm ob mortis metum curare non possum  
Ideo corpus dñi A. B. ad diem infracon-  
tent' habere non possum. Lib. Intr. 190.  
Kitch. 258. b. Dalt. 250.

Aliter.

Justic Dñi Regis certifico qđ infra-  
noiat' J. B. adeo Languidus in p̄sona  
Dñi Regis Castri sui Cant' in Com E. va-  
riis infirmitat' detent' ita quod propter  
coꝝpozis



**Ban. Reg.** corporis sui debilitat' & mortis viculum  
 ipm tute removere non possum. Ideo cor-  
 pus ejus coram Justic' infrascript' ad diem  
 & locum infracontent' habere non possum  
 juxta formam hujus brevis. Li. Int. 400.  
 Dalt. 25. Wilk. Lat. 132. vide postea. Special'  
 Retorn' & Languidus.

Quod Def. est mortuus.

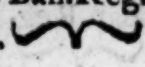
It is said, That upon a *Habeas Corpus* or *Corpus cum Causa* it is a good Retorn, That the Par-  
 ty is dead. *Bro. Ret.* 125. *Dalt.* 251.

Quod Def. est Utlagatus.

Ante adventum istius brevis Virtute  
 cujusdam alterius brevis voc' Cap' Utlag'  
 mihi direct' cujus transcript' vobis mitto  
 presentibus anac' Cepi C. D. infrascript'  
 ipmque Prisonem Dñi Regis de C. commisi  
 & adhuc in eadem detinet' Prisona causa  
 pmiss' attamen corpus ipseus C. D. co-  
 ram vobis prompt' habeo ad diem & lo-  
 cum infracontent' put interius mihi pre-  
 cipit'. Li. Int. fo. 457. Kitch. 260. Dalt. 253.

Aliter.

A. filius A. de B. per noēn A. de B.  
 ante adventum istius brevis Utlagat' fuit  
 de felon' coram P. S. R. C. & Sociis  
 suis Justic' Dñi Regis ad pacem (in tali  
 libertat' vel) in Com' D. conservand' Et  
 postea per dēon Justic' mihi modo direct'  
 2 idem

idem A. capt' fuit apud B. & ea de cau. Ban. Reg.  
sa commissus fuit Prisoni Dñi Regis de C.   
Attamen, &c. Vide Kitch. 260. Dalt. 252.

Quod Def. est Excommunicatus.

Virtute, &c. vobis certifico quod ante  
adventum ejusdem brevis Dñi Regis A.  
M. infrañoiat' per Censuram Ecclesiasticam  
in Ecclesia de R. (tali die & anno, &c.)  
propter suam consumat' (or the like) Ex-  
communicatus existit Ipseque A. p ordinarios  
Sci M. Ecclesie Justie in premis adhuc  
reliat in eadem Cur' Excommunicat' Et  
hec est causa capt'ionis & detent'ionis p'dict'  
A. attamen corpus ipsius A. M. coram  
Dño Rege ad diem & locum infracontenti'  
ubicunque, &c. habeo parat' prout &c. Vide  
Kitch. 259. Dalt. 251.

Def. capt. per nuper Vic. non per me.

Infranoiat' A. B. capt' fuit per R. C.  
Mil & Bar' nuper Dic Com mei & non  
per me modo Dic ejusdem Com. Vide  
Greenw. 227.

R. S. Ar. Vic'.

Def. non est in Custod. Vic'.

Dño Regi certifico qd J. S. infrafeript'  
non detent' existit in prisona sub custod'  
mea nec fuit die recept'ionis hujus brevis  
nec aliqua causa detent'ionis ipsius J. pe-  
nes me residet Et ideo corpus ipsius J. &  
causam

Ban.Reg. causam detentōis ill' coram Dño Rege ad diem & locum infracontent' habere non possum put interius mihi p'cipit'. Li. Intr. fo. 472. Dalt. 251.

Def. capt. sed non deliberat' per nuper Vic'.

Ego R. P. Ar' Vic' Com' S. Justic' infrascript' certifico Qd' corpora R. C. & ceter' Def. infrascript' per me non capt' fuer' sed per R. P. Ar' nup' Vic' Com' p'dict' p' predecesso' meum & mihi subscript' p' ipso mie delibat' Ideo corpora eorū ad diē & locū infracontent' habere non possum put interius mihi p'cipit'. Offic. Brev. 202. Dalt. 254. Wilk. Lat. 132.

R. P. Ar. Vic'.

Aliter.

Infrascript' C. C. non deliberat' fuit mihi p' C. C. Ar' nuper Vic' Com' infrascript' in ejus exit' ab Officio suo.

O. A. Ar' Vic'.

Brev. Judic. 117.

Special Retorn of a Commitment by the  
Keeper of *Newgate*.

Special Retorn of a *Habeas Corpus*, wherein the Cause of Commitment is set forth, viz. That T. C. (mentioned in the Writ) was committed to *Newgate* by the Mayor and Aldermen of *London*, at the Complaint of the Master and Wardens of the Company of Merchant-Taylors,



lors, (whereof the Prisoner was a Member) for Ban.Reg. that he refused openly, voluntarily, obstinately, and contemptfully, in the Court of Aldermen, to take upon him the Livery of the said Company, after he had been duly chosen a Livery-man thereof, according to the Custom of the City of London; drawn by Mr. Sanders, and perused by Mr. Pollexfen.

Executio istius brevis patet in quadam Schedul huic brevi annex' Resp. W. R. Gen Custod Gaule de Newgate Justic Dñi Reg ad Placita coram ipso Rege Tenend assign' Ego W. R. Custos Gaule dñi Dñi Regis de Newgate humillime certifico qđ Civit' London modo est & a tempore cujus contrar' memoria hominum non existit fuit antiqua Civit' Adqz Cives & liberi homines Civitat' illius a toto p̄dict' ted cujus contrar' memo hominum non existit usqz ad & in Termino S̄c Trinitat' anno regni Dñi Caroli secundi nuper Regis Anglie, &c. tricesimo quinto fuer' incorporat' tam per nomen Majoris Comunitat' & Civium Civitat' London quam per nomen Majoris & Comunitat' Civitat' London ac quod de p̄dict' Civibus & liberis hominibus sic incorporat' a toto tempore supradict' fuer' separata societat' Gild & Fraternitat' infra eand' Civit' unde Fraternitas Mercatoꝝ Scissoꝝ in Civitat' London p̄dict' (que a toto tempore supradict' fuit separata Societas Gild & Fraternitas infra eandem Civitat' ac Incorporat' fuit per nomen M̄d & Guardian Mercatoꝝ Scissoꝝ Fraternitat' S̄ci Johis Bapt' in Civitat' London) est & a toto tempore supradict' fuit un' Adqz tam de & in

Ban. Reg. in p̄dicta' fraternitat' Mercatorū Scissorū  
 p̄dicta' quam in omnibus ac Societat' Gild  
 & fraternitat' infra eandem Civitat'  
 sunt & a tempore supradicta' fuer' quidam  
 homines existē cives & liberi homines  
 Civit' p̄dicta' ac liberi homines earund'  
 Societat' Gild sive fraternitat' respective  
 (vocat' Livery-men) qui de tempore in tem-  
 pus a toto tempore supradicta' electi fuer' &  
 eligi consuever' per Societat' Gild sive  
 fraternitat' unde huiusmodi homines li-  
 beri existunt & quilibet eorū liber existit  
 respective in liberatur' Anglice the Livery  
 ejusdem Societat' Gild sive fraternitat'  
 unde ipsi respective sic ut p̄fertur liberi ho-  
 minū extiter' qui quidem homines & qui-  
 libet eorum respective sic electi & non ha-  
 bentes seu habens aliquam rationabil'  
 causam sive excusationē in contrar' inde  
 Offic' sive locum unius de Liberatur' An-  
 glice of a Livery-man, ejusdem Societat'  
 Gild sive fraternitat' respective in qua  
 quilibet huiusmodi homo electi fuit fore  
 de Liberatur' inde a toto tempore supra-  
 dicta' in se suscipere solit' fuer' ac debuer'  
 & debent ac officium illud ac omnia Officii  
 sive loci illius majora onera & expens' &  
 denar' summas erga suppositionē & in &  
 pro bono publico & meliori regimine ejus-  
 dem fraternitat' respective de liberatur'  
 inde non existē a toto tempore supra-  
 dicta' solver' & contribuere & contribuere solit' fu-  
 er' & debuer' Et ulterius certifico quod in-  
 fra Civitat' p̄dicta' habetur & a toto tempore  
 supra- dicti cuius contrar' memorū hominū non  
 existit usq; ad & in p̄dicta' Terminū S̄cē Tri-  
 nit' habebatur quedam Cur' Dñi Regis  
 nunc & antecess' suorū quondam Regū & Re-  
 ginar'



ginar' Angl' de Recoꝝ tent' septimanatim Ban.Reg.  
 quolibet die Mart' quolibet die Jovis co-  
 ram Majore & Alder' Civitat' pꝛeꝛ pro  
 tempore existẽ in Camera Gild' ejusdem  
 Civitat' scituat' in Paroch' Sci Michaelis  
 Basshaw in Warda de Basshaw in qua  
 quidem Cur' Major & Alderman Civit'  
 pꝛeꝛ pro tempore existẽ a toto tempore  
 supꝛadict' tractaber' regulaber' & ordina-  
 ber' & tractare regulare & ordinare usi fuer'  
 & consueber' omnia ad pꝛeꝛ separat' So-  
 cietat' Gild' & Fraternitat' Civit' pꝛeꝛ  
 pro tempore existẽ tangeꝛ spectan' vel  
 quobismoda concernẽ que coram eis di-  
 lat' fuer' pro meliori regimine & Guber-  
 natione inde in supportation' honoris &  
 dignitat' ejusdem Civit' Quoc' liberi ho-  
 min' existẽ cives & liberi homines Civi-  
 tat' Londan' pꝛeꝛ de qualibet Societat'  
 Gild' sive Fraternitat' Civitat' pꝛeꝛ & eor'  
 quilibet a tempore supꝛadict' usq' ad & in  
 pꝛeꝛ Termin' Sctę Trinitat' fuer' & fore con-  
 sueber' sub regimine gubernation' correc-  
 tion' & punicon' pꝛeꝛ Major & Alderman  
 Civitat' pꝛeꝛ pro tempore existẽ in Cur'  
 pꝛeꝛ in forma pꝛeꝛ tent' pro omnibus &  
 singulis materiis per aliquem hujusmodi  
 liberoꝝ homin' inde fact' sive fieri omis'  
 contra sive in pꝛejudiciu' boni regiminis  
 & gubernation' pꝛeꝛ Societat' Gild' sive  
 Fraternitat' Civitat' pꝛeꝛ Et ulterius cer-  
 tifico quod infra Civit' pꝛeꝛ habetur nec  
 non a toto tempore supꝛadicto usq' ad &  
 in pꝛeꝛ Termin' Sctę Trinitat' habeba-  
 tur quedam al' Consuetudo infra Civitat'  
 pꝛeꝛ a toto tempore supꝛadict' usitat' &  
 approbat' quod si aliqua querimon' An-  
 glice Complaint fact' fuit in scriptis vel ore  
 X  
 tenus



Ban. Reg. tenus p̄fat' Majoz & Alder' Civitat' p̄  
 dia' p̄o tempore existē in Cur' p̄dia' sic  
 ut p̄fertur coram eis secundū consuetud  
 tent' per Magistrum & Custodes alicujus  
 Fraternitat' Civitat' p̄dia' infra eandē Ci  
 vitat' sive per membra p̄ncipal' alicujus  
 Fraternitat' Civitat' p̄dia' infra eandem  
 Civitat' in qua non fuer' Magr' sive  
 Guardian' seu eoz aliquis ostendens quod  
 aliqua persona existens Civis & liber ho  
 mo Civit' p̄dia' ac membz' ejusdem Frater  
 nitat' electus fuit per Fraternitat' ill' in li  
 beratur' ejusd' Fraternitat' unde ipse mem  
 bzum exiit ac requisit' fuit ad officium  
 sive locum unius de liberatur' ejusd' Fra  
 ternitat' suscipiendū ac onus officii sive loci  
 illius subeundū & sustinendū quodque si hu  
 jusmodi civis & lib' homo Civit' p̄dia' ac  
 membzum hujusmodi Fraternitat' absq̄  
 rationabili causa sive excusationē in con  
 trar' inde fore de Liberatur' hujusmodi  
 Fraternitat' officium sive locum illum sus  
 cipere ac onus officii sive loci illius sub  
 ire & sustinere recusabit ac inde petens re  
 medium auxilium & Justiciam ejusdem  
 Cur' coram Majore & Aldermanis ejusd'  
 Civitat' p̄o tempore existē sic ut p̄e  
 fertur secundū cons' p̄ed' tent' in p̄miss'  
 versus talem personam sic recusantem &  
 superinde talis persona versus quem hu  
 jusmodi querimōd' fact' fuit existens Ci  
 vis & Liber homo Civit' p̄ed' ac membzum  
 hujusmodi Fraternitat' coram p̄fat' Ma  
 joz & Alderman' Civit' p̄dia' p̄o tempore  
 existē in Cur' p̄dia' convent' coram eis  
 dem Majoz & Alderman' in eadem Cur'  
 p̄miss' cognoverit vel non dedit sed mo  
 nitus per eandē Cur' ad seipsum consozmandū  
 in

in ea parte ad Officiū sive locum illum in Ban.Reg.  
 se suscipere ac onus officii sive loci illius  
 subire & sustinere ap̄te & voluntarie obsti-  
 nate & contemptuose abiq; aliqua causa  
 sive excusatione quacunq; in contrariū inde  
 fore de Liberat' ejusd' Fraternitat' unde  
 ipse sic ut p̄fertur memb' existit ac officiū  
 sive locū ill' in se suscipere in ead' Cur' re-  
 cusaverit tunc iidem Majoz & Alderman  
 Civit' London' p̄d' pro tempore existē in  
 ead' Cur' ut p̄fertur tent' hujusmodi per-  
 sona sic recusā in prisonam sub Custod'  
 Vic' Civit' London' pro tempore existē aut  
 al' officiar' ibidem mandaver' & commiser'  
 ibidem sub custoz remansur' & fore detent'  
 quousq; ead' persona que sic in Prisona com-  
 missa fuit consentiret & declararet quod  
 ipse officiū sive locum p̄d' in se suscipe-  
 ret ac onus officii sive loci illius subiret &  
 sustineret vel alit' hujusmodi persona extra  
 Prisonam & Custod' p̄fat' Vic' sive al' of-  
 ficiat' Civit' p̄dic' per debitum Legis cur-  
 sam deliberetur & exoneretur Que quidem  
 separat' consuetudines sup̄mentionat' nec-  
 non al' consuetud' & libera usuagia Ang-  
 lice Frank Usages Civit' p̄d' infra Civitat' Customs  
 p̄d'ia' usitat' Autoritate Parliamen' Do. confirm'd.  
 min' Ricard' nuper Regis Anglie post Con-  
 questum secundi tent' apud Westm' in Com  
 Mido anno Regni sui septimo tunc Majoz  
 & Conunitat' Civitat' p̄d' ratificat' &  
 confirmat' fuer' Et ulterius humillime cer-  
 tifico quoad Term' S̄te Michaelis annū  
 regni Dni Regis Caroli secund' tricesimo  
 tertio R. S. Mil' Attorn' General' dia' nu-  
 per Dni Regis qui pro eod' nuper Rege  
 in ea parte sequebatur in propria persona  
 sua ven' in Cur' dēi Domin' nuper Regis  
 coram



Ban. Reg.

Quo

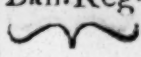
Warran-

to against

the City.

cozam ipso nuper Dno Rege adtunc apud  
 Westm in Com Midd die Lune prox post  
 quinden Sci Martini isto eod Termin &  
 pro eod dicto nuper Rege tunc exhibuit  
 Cur' ibidem quandam informationem versus  
 tunc Majoz & Communitat' ac Cives Ci-  
 vitat' London pdia' ac in eadem Infor-  
 mation tunc dedit Cur' ibidem intelligi &  
 informari quod tunc Majoz & Comunitas  
 ac Cives Civit' London pzed per spatium  
 unius mensis tunc ult' elaps' & amplius  
 us' fuissent & usq' tunc utebantur & cla-  
 massent habere & uti absq' aliquo Warr'  
 sive regal' concessioem infra Civitat' London  
 pdia' & Libertat' & pprecina' ejusdem Ci-  
 vit' divers' Libertat' Privileg' & Franchex  
 in Information' ill' specificat' absq' ali-  
 qua Comission' sive al' Authozitate a dicto  
 nuper Dno Rege in ea parte concess' sive  
 obtent' de quibus quidem omnibus & sin-  
 gulis Libertat' Privileg' & Franchex ii-  
 dem Majoz & Comunit' ac Cives Civitat'  
 London pdia' per tot' tempus pdia' super  
 dictum dominu' nuper Regem usurpassent  
 & usq' tunc usurpaver' Et superinde postea  
 scilicet die Lune prox post Octab Sci Hil-  
 lar' anno Regni dci Domini nup Regis  
 tricesimo tertio suprad' in Cur' dicti Do-  
 mini nuper Regis coram ipso nuper Dno  
 Rege apud Westm (eadem Cur' apud  
 Westm in Com Midd tunc tent' existend)  
 vener' pzed Majoz & Comunitas ac Ci-  
 ves Civitat' London pdia' p Benedia  
 Brodon tunc Atornat' suu' & habito audit'  
 informacon' pd' p'fat' tunc Majoz & Comu-  
 nitas & Cives Civitat' London pzed peti-  
 er' inde diem interloquendi usq' a die Pasche  
 in quindecim dies tunc pr' futur' & eis  
 conce-



concedebatur coram dicto nuper Dño Rege Ban. Reg.  
 ubicunq. &c. Et superinde taliter process,   
 fuit in eadem Cur' coram ipso nuper Rege  
 apud Westm' p'dicta' quod postea scilicet  
 Termino S'c'e Trinitat' anno regni Dñi  
 Caroli secund' nuper Regis Anglie tricestimo  
 tertio supradicta' in eadem Cur' ipsius  
 nuper Dñi Regis coram ipso nuper Rege  
 apud Westm' in Com' Midd' adtunc exist-  
 en' pro eo quod visum fuit eidem Cur' tunc  
 ibidem quod p'dicta' tunc Major & Com-  
 munitas ac Cives Civitat' London' p'di-  
 cta' forisfecissent dicto nuper Dño Regi li-  
 bertat' Privileg' & Franch'es suas p'dicta'  
 considerat' fuit per eandem Cur' ibidem qd  
 Libertat' Privileg' & Franch'es de seipsis  
 existend' uno corpore corporat' & politico in  
 re feco' & nomine per nomen Majoris &  
 Comunitat' ac Civium Civitat' London'  
 ac per idem nomen placitare & implaci-  
 tari respondere ac responderi per eisdem  
 Majorem & Comunitat' ac Cives Civitat'  
 p'dicta' clamat' caperentur & seiscerentur in  
 manus dicti nuper Dñi Regis unde con-  
 via' exist' put per Record' & Process' inde  
 in Cur' Dñi Regis coram ipso Rege nunc  
 hic scilicet apud Westm' p'dicta' pleni' Con-  
 stat de Record'. Quod quidem Judic' ad-  
 huc in suis plen' robore & effectu remanet  
 minime reberlat' sive adnullat' Virtute  
 cujus p'dictus nup' Dñus Rex Carolus se-  
 cundus scit' fuit de Libertat' Privileg' &  
 Franch'es p'dicta' Et ulterius Certifico qd  
 Illustrissimus Jacobus secund' nunc Rex King  
James's  
Patent.  
 Angl', &c. secund' beneplacitum suum re-  
 gale volens quod Regimen & Administra-  
 tio dict' Civit' & Civium ejusdem Civit' in

Ban.Reg. omnibus continuaretur exerceretur & usere-  
 tur pro honore dicte Civitat' & Emolument'  
 Civium ejusdem Civitat' & al' subditor'  
 dicte Dni Regis nunc eodem modo qua  
 ad & ante tempus redditionis Judicii pdict'  
 usitat' fuit ac ut boni & laudabiles consue-  
 tudines & leges usitat' & consuet' infra  
 dictam Civitat' ante Judicium pdict' red-  
 dit' & tempore redditionis Judicii ill' in  
 robore existen' adhuc teneantur & exerces-  
 antur & obierventur postea scilicet p' li-  
 teras suas Patentes sub magno sigillo  
 suo Anglie confect' gerend' dat' apud Westm'  
 pdict' in pdicto Com' Madi' decimo septimo  
 die Januarii anno Regni sui secund' assign-  
 navit constituit & fecit dilectos sibi J. H.  
 Mil' tunc Major' & W. T. Mil' W. H. Mil'  
 J. M. Mil' W. P. Mil' H. T. Mil' J. S.  
 Mil' R. J. Mil' J. C. Mil' S. L. Mil' J.  
 R. Mil' P. D. Mil' P. R. Mil' S. D. Mil'  
 W. R. Mil' P. P. Mil' W. T. Mil' W. G.  
 Mil' P. D. Mil' C. H. Mil' M. D. Mil'  
 W. R. Mil' J. H. T. R. Mil' T. J. Mil' &  
 T. H. tunc Alder' dicte Civit' Lond' conti-  
 nuare & fore Alder' Civit' Lond' pdict' & ha-  
 bere gaudere & exequi omnes & consimil'  
 auctoritat' potestates & Privilegia qual' Al-  
 der' Civitat' pdict' ad vel ante Temp. red-  
 ditionis Judicii pdict' de Jure habuer' vel  
 exequi potuer' habend' gaudend' fungend' &  
 exequend' eadem Officia Auctoritat' Po-  
 testates & Privilegia cum omnibus & singu-  
 lis eisdem p'tinen' & spectan' tam infra  
 Wardas suas respectivas quam in aliqui-  
 bus Cur' tent' sive tenend' coram Majore &  
 Aldermanis dicte Civitatis aut alibi in-  
 fra eand' Civitat' & Libertat' ejusd' & in  
 omnibus al' locis & ad omnia inten-  
 tion



tion & proposuit in tam amplis modo & Ban.Reg.  
 forma in omnibus sicut isti vel aliquis il-  
 loꝝ seu aliquis al' Alderman' aut ali-  
 qui al' Aldermani ejusdem Civitat' an-  
 te tunc habuer' gavisu' funai vel execut'  
 fuer' vel de Jure habere gaudere fun-  
 gi vel exequi debuer' vel debuit. Et  
 ulterius idem Dñus Rex Jacobus secun-  
 dus per predicta' literas patent' voluit con-  
 stituit stabilivit & declaravit quod Major  
 Alderman' Recordator Vic' Camerarius  
 ceteriq' omnes officiar' Civitat' pdicta' tunc  
 fuer' & imposterum forent & quilibet eoz'  
 haberent gauderent & exercerent & haberet  
 gauderet & exerceret omnes Cur' tam de  
 Record' quam non de Record' Jurisdiction'  
 Potestat' & auctoritat' respective in locis  
 suis tam infra predicta' Civitat' London'  
 quam extra que Major Recordator & al'  
 officiar' Civit' predicti seu eorum aliqui vel  
 aliquis tempore reddition' Judicii predicti  
 vel antea seu postea respective habuer' exer-  
 cuer' vel legitime haber' & exercere potuer'  
 vel potuit Ac etiam qd' Major & Alder-  
 manni Civitat' pdicta' pro tempore existen'  
 vel aliqui tresdecim illorum (quorum Ma-  
 jor dicta' Civitat' vel al' duoz' senioꝝ' Al-  
 derman' p' tempore existen' un' esse voluit)  
 ordinare discernere & providere pro bono  
 regimine Civitat' pdicta' ac Civium Civi-  
 tat' & al' subditoꝝ' suoz' vel libertat' ejus-  
 de' valerent & possint & quod haberent re-  
 gimen gubernation' & ordinatio' omnium  
 mister' & societat' infra dictam Civitat' &  
 omnium & singuloꝝ' membroꝝ' earund' & qd'  
 appunctuare & statuere valerent & possint  
 quas & quam earund' societat' haberent seu  
 haberet Liberatur' Anglice a Livery. Ac  
 etiam approbare & allocare vel recusare ad



Ban. Reg. libitum suum aliqua membra dictar' sepa-  
 ral' societate elect' vel eligend' in Liberat'  
 antequam adinde admitt' essent vel fuerint  
 & corrigere castigare & punire membra ea-  
 rund' societate p' inobedientia ac contumacia  
 suis prout antea usitat' fuit. Et ulterius  
 certifico qd' ante adventum predict' brevis  
 de Habeas Corpus mihi in hac parte di-  
 rect' scilicet vicesimo quarto die Novem-  
 bris anno regni dicti Dni Regis nunc se-  
 cund' C. C. in brevi huic Schedule annex'  
 nominat' qui adtunc & diu antea & conti-  
 nue postea hucusque fuit & adhuc exist'  
 Civis & Liber homo ac Membrum predict'  
 Fraternitat' Mercato' scisso' in Civit'  
 London' predict' & per Fraternitat' ill' debi-  
 to modo elect' fuit in Liberatur' ejusde'  
 Fraternitat' ac ad officiu' sive locum uni-  
 us Liberatur' Anglice of a Livery-man ejus-  
 de' Fraternitat' in se suscipiend' ac ad onus  
 officii sive loci illius subeund' & sustinend'  
 secund' Cons' Civitatis predict' a toto tempore  
 supradict' usitat' & approbat' in ead' unde  
 idem C. C. adtunc habuit notit' & adinde  
 requisit' fuit sed ita facere penitus recusa-  
 vit super quo postea & ante advent' predict'  
 brevis de Hab' Corpus mihi in hac parte  
 direct' scilicet decimo septimo die februar'  
 anno Regni dicti Dni Regis nunc secunda  
 supradict' quedam querimonia Anglie Com-  
 plaint fact' fuit ore tenus p'fat' J. P. ad-  
 tunc & adhuc Major & tunc Alderman  
 Civitatis predict' in Cur' predict' p' quendam W.  
 D. Mil' adtunc M'nd' & quosdam Hugon'  
 Roden & J. P. adtunc Guardian' Frater-  
 nitat' Mercato' scisso' in Civitate Lon-  
 don' predict' ostend' qd' predict' C. C. existend'  
 Civis & liber homo Civitatis predict' ac mem-  
 brum

Defen-  
 dantelec-  
 ted a Li-  
 very-  
 man.

Refusal  
 to be of  
 the Li-  
 very.

hūm Fraternitat' Mercator' Scissor' p̄d̄ Ban. Reg.  
 in Civit' London' p̄d̄ existēd elect' fuit  
 p̄ Fraternitat' illā in Liberatur' ejusd'  
 Fraternitat' ac p̄ eos ad tunc & diu antea  
 existēd idoneus homo tam ad officium illud  
 quam onus ejusd' officii subeund' requi-  
 sit' fuit ad officium sive locum unius de li-  
 beratur' ejusdem Fraternitat' in se susci-  
 piend' ac ad onus officii sive loci illius sub-  
 eund' & sustinend' Idem Tamen C. C. Ci-  
 vis & liber homo Civit' p̄d̄ ac mem-  
 b̄um ejusdem Fraternitat' absq̄ aliqua  
 rationabili causa sive excusation' in con-  
 trar' inde fore de liberatur' ejusdem Fra-  
 ternitat' & officium sive locum illum in se  
 suscipere ac onus officii sive loci illius sub-  
 ire seu sustinere penitus recusasset ac p̄  
 inde iidem Magr' & Guardian' p̄ queri-  
 mon' ill' remedium auxilium & Justie  
 Cur' corā Majore & Aldermannis p̄d̄  
 secund' consuetud' p̄d̄ tent' in premis  
 p̄d̄ versus p̄fat' C. C. petier' ac super-  
 inde p̄d̄ C. C. corā Majore & Alber-  
 mannīs Civitat' p̄d̄ in Cur' p̄d̄ ad-  
 tunc & ibidem secund' consuetud' p̄d̄ co-  
 ram Majore & Aldermannis tent' convent'  
 existen' & personalit' comparēd' corā eis  
 Majore & Aldermannis Civit' p̄d̄ in  
 ead' Cur' p̄missa p̄d̄ non dedit videri  
 licet qđ ipse existēd Civis & Liber homo  
 Civit' p̄d̄ ac membrum ac Liber homo  
 Fraternitat' p̄d̄ ult' mentionat' existēd  
 ac etiam idoneus homo ad officium p̄d̄  
 quam ad onus officii illius subeund' elect'  
 fuit per Fraternitat' ill' in liberatur' e-  
 jusd' Fraternitat' ac requisit' fuit ad offi-  
 ciū sive locum unius de Liberatur' ejusd'  
 Fraternitat' suscipiend' ac onus officii sive  
 loci



**Ban. Reg.** loci illius subeundi & sustinendi ac predicta  
 Major & Aldermanni predicta electione predicta  
 C. ut prefertur facta approbaver' Idem ta-  
 men C. C. Civis & liber homo & mem-  
 brum fraternitatis illius & idoneus homo  
 ut prefertur existens officium sive locum illi  
 in se suscipere ac onus officii sive loci illius  
 subire & sustinere recusasset Licet ipse coram  
 prefat' Major & Aldermannis Civit' pre-  
 dicta in aperta Cur' predicta coram prefat'  
 Major & Alder' die & loco ult' supradicta  
 tent' ult' express' cognovit & fassus fuit su-  
 per quo predicta C. C. adtunc & ibidem in  
 eadem Cur' per prefat' Majorem & Alder-  
 man' Civit' predicta ad seipsum conformand' in  
 ea parte ac ad officium sive locum illi in se  
 suscipiend' & ad onus officii sive loci illius  
 subeundi & sustinendi sepius in ead' Cur' i-  
 bidem monitus fuit predicta tamen C. non  
 habens nec allegans aliquam causam sive  
 excusationem quamcunque in contrar' inde  
 post huiusmodi monitionem sibi in forma  
 predicta facta fore de Liberatur' ejusdem fra-  
 ternitatis ult' supradicta seu officium sive lo-  
 cum illi in se suscipere ac onus officii sive  
 loci illius subire seu sustinere in ead' Cur'  
 ibidem aperte & voluntarie obstinate &  
 contemptuose absq; aliqua causa sive ex-  
 cusatione quacung; in contrar' inde renuit  
 & expresse recusabit Per quod prefat' Ma-  
 jor & Aldermanni Civit' London' predicta  
 adtunc & ibidem in ead' Cur' ante advent'  
 predicta brevis de habendi corpus ipsum pre-  
 fat' C. C. sic recusantem secund' consuetud'  
 predicta in Prison sub Custodia mea man-  
 daver' & commiser' ibidem remansur' & fore  
 detent' quousq; idem C. C. consentiret &  
 declararet qd ipse officium sive locum pre-  
 dicta

Commit-  
 ment to  
 Prison  
 quousque  
 &c.



dia' in se susciperet ac onus officii sive lo. Ban. Reg.  
 ci illius subiret & sustineret vel alit' qd' idem  
 T. C. extra Prisonam & a Custod' mea p  
 debm' legis cursum deliberat' & exonerat'  
 foret Et ulterius certifico qd' pdictus T. C.  
 ad aliquod tempus hucusq' non consenti-  
 bit nec declarabit quod ipse idem T. C.  
 officium sive locum pdict' in se suscipere seu  
 onus officii sive loc' illius subire & sustine-  
 re voluit nec officium & locum ill' in se sus-  
 cepit Et hec est causa caption' & detenti-  
 on' pdict' T. C. in Prisona p'd sub Custod'  
 mea quod unacum corpore p'fat' T. C.  
 coram p'fat' Justic' dicti Dni Regis nunc  
 ad placita coram ipso Rege tenendi assign'  
 ad diem & locum in brevi huic Schedule  
 annex' content' parat' habeo unacum dicto  
 brevi put mihi per idem brev' precipitur.

See for this Retorn, *Bro. Rediviv.* 385.

Quod Def. est in alia Prisona, &c.

Virtute istius brevis vobis certifico qd'  
 ante adventum istius brevis M. B. infra-  
 script' captus fuit in alio loco & Prison'  
 Dni Regis de R. commissus virtute cujus-  
 dam alterius brevis mihi prius direct' cu-  
 jus transcriptum vobis mitto huic brevi  
 consut' Attamen corp' ipsi' M. coram vo-  
 bis habeo ad diem & locum infracontent'  
 put interius mihi precipit', &c. Dale. 251.  
 Kitch. 259. 2.

In Prisona pro dampn' in Transf. &c.

Nos Dic' pdict' vobis significamus qd'  
 ante adventum istius brevis Dni Regis  
 nobis direct' & huic brevi consut' J. F. de  
 2 C. in

**Ban. Reg. C.** in dco brevi nominat' captus fuit (in tali loco) & Prison' Und Regis de C. commiss' pro 20 l. de dampnis adjudicat' C. C. de R. in placito trans' in Cur' Und Regis in dca Civit' C. coram nobis dia' Dic' tent' Et similiter idem J. detentus est in Prisona pdia' ad sextam M. S. in placito trans' coram nobis dia' Dic' in Cur' pdia' habit' & prosecut' Attamen corp' &c. (ut in al'). Kitch. 259. Dalt. 251.

Quod Def. est in Prisona pro Felonia.

Virtute istius brevis vobis significo quod ante advent' ejusdem brevis Und Regis R. M. in dco brevi nominat' capt' fuit in L. & Prison' Und Regis de C. pro suspicionem communis Latronis commiss' Et ulterius idem R. detent' fuit in eadem Prisona pro eo qd ipse p diversis felonis p ipsum fact' & perpetrat' apud D. in Hundredi de M. indicatus est ut informatus sum Et alia vice captus armatus apud J. (in Com tali) duct' fuit prison' Und Regis deusq; M. eandem Prisonam Und Reg felonice fregit & ab ea recessit ut dicitur Attamen corpus, &c. (ut in al'). Dalt. 251. Kitch. 258, 259.

Def. capt' pro suspicione Latrocinii.

A. de B. captus est p suspicione Latrocinii Et quia non potest invenire sufficien' securitat' ad Legem Und Regis expectand' Prisona Und Regis de B. commiss' fuit

fuit Et ea de causa detinetur Attamen Ban.Reg.  
corpus, &c. Dalt. 252. Kitch. 259.

Def. detent. pro suspicion' contrafaction'  
monete.

Ante advent' istius brevis C. D. infra-  
script' capt' fuit (in tali loco) & Prison  
Dn' Regis de R. commiss' pro suspicione  
contrafactionis monete Regis Et ea de cau-  
sa & non alia in eadem Prison detent' est,  
Attamen ipm C. D. coram vobis ad diem  
& locum infracontent' parat' habeo put  
interius mihi p'cepit. Kitch. 259. b.  
Dalt. 251.

Def. detent' pro Murdro.

A. B. captus fuit apud D. in Com C.  
per H. S. Senellum C. F. & coram pre-  
fat' Senello hundred tent', &c. indictatus  
fuit p' morte J. T. p' p'dia' B. occisum  
& per p'fat' Senellum missus fuit Prison  
Dn' Regis de R. quod quidem indicta-  
ment' reman' cum p'fat' Senescallo At-  
tamen corpus ipsius B. coram Dno Rege  
in Canc' sua ad diem in brevi isto content'  
ubicunq; fuer', &c. habeo parat' put istud  
breve in se exigit & requirit, &c. Kitch.  
259. b. Dalt. 252.

Def. est detent' pro diversis Proditionibus.

Infrascript' J. C. appellatus fuit apud  
C. coram (tali Iudice) p' M. p'batorem  
(tali



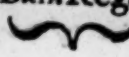
Ban.Reg. (tali die & anno) p diversis Proditionibus p ipsum ppetrat' Et ex illa causa captus fuit in C. & comit' Prisona Dom Regis de R. Attamen corpus, &c. ad diem & locum infracentent' parat' habeo pnt interius mihi pcepit', &c. Kitch. 260. a. Dalt. 252.

Def. est detent' fur Account per Auditores.

Ante advent' istius brevis A. B. & S. Auditores Compot' W. de B. mihi delibaver' p Indentur' corpus R. S. infrascript' salvo & secure custodiend' quousq; satisfec' W. de B. de 200 l. arrer' super finem Compd R. S. p dcos Auditores indent', &c. Et hec est causa captiōis & detentōis ipsius R. S. Attamen corpus, &c. Kitch. 260. Dalt. 252.

Aliter.

W. D. infrascriptus capt' fuit ante adventum istius brevis (in tali loco) & in Prisona Dnd Regis sub mta custod' detent' pretextu cuiusdam Querele in Cur' ipsius Dnd Regis ibidem coram me pstat' Dic' super ipm p noem W. &c. ad lectam A. B. in placito Compd assermat' Unde in eadem Cur' coram me dia' Dic' Partes p dia' p litaver' & posuer' se super Jurat' p id in eadem Cur' Et postea dia' W. D. sup suffic' Manucapt' ad respond' pstat' A. B. de placito p res dimiss' fuit ad largum a Prisona p res Et quia p dia' W. post manucapt' p dia' ad iudicium non reven  
Custod

Custod corpus ejus ad diem & locum in Ban.Reg.  
fracontent' habere non possum. Vide Kitch.   
259, & 260; & Dalt. 252.

Def. commissus virtute brevis de Supplicavit.

Virtute istius brevis vobis certifico qd  
A. B. infrascript' fuit virtute alterius  
brevis Dñi Regis vocat' Supplicabit ad  
lectam D. B. diu ante aduentum istius  
brevis & commissus Prisoni Dñi Regis de  
C. pro eo qd non potuit sufficien' invenire  
securitatem de Pace gerend' erga dia' D.  
Et hac de causa & non alia in dia' Pri-  
sona detineretur Attamen corpus, &c. Dalt.  
252. Kitch. 260.

Note, The Sheriff may also say, Quod con-  
deмпnat' fuit in tali Cur' ex cogni-  
tione sua prop' vel per taxatorem suam p  
Cons' Cur'. Kitch. 260.

Def. Capt' per nuper Vic' sur Ca. sa' & Su-  
perfed. superinde agard.

Ego A. B. Armig Vic' Com C. Dñi  
Regi ad diem & locum in brevi huic Sche-  
dul annex' content' certifico quod ante ad-  
vent' ejusdem brevis A. C. in dia' brevi  
nominat' capt' fuit infra Com pdia' per  
W. D. Ar' nuper Vic' Com p'ed & in Pri-  
sona dñi Dñi Regis Castri sui de C. in  
Com pdia' sub salva custodi ejusdem nu-  
per Vic' detent' virtute cujusdam brevis  
dñi Dñi Regis de capiend' versus dia' A.  
teste apud Westm 9 die Octob' anno reg-  
ni (&c.) retorn coram Justic dia' Dñi  
Regis

Ban. Reg. Regis apud W. a die S<sup>c</sup>i M. in 15 dies  
 tunc p<sup>ro</sup>or' sequen<sup>d</sup> ad satisfaciend<sup>u</sup> T. D.  
 Gen<sup>er</sup> tam de quodam debitor' 40 l. q<sup>uod</sup> p<sup>ro</sup>  
 30 s. p<sup>ro</sup> dampnis Unde id<sup>em</sup> A. coram p<sup>re</sup>s-  
 tat' Justie apud W. convictus fuit cujus  
 quidem corpus sic capt' & in Prisona p<sup>re</sup>dicta  
 sub custodi d<sup>omi</sup>n<sup>i</sup> nuper Vic<sup>er</sup> ea occasione existend<sup>u</sup>  
 detent' Ego p<sup>re</sup>fat' A. B. nunc Vic<sup>er</sup> Com<sup>itis</sup>  
 p<sup>re</sup>dicta' recepi de p<sup>re</sup>dicta' nuper Vic<sup>er</sup> in ejus  
 Exit' ab officio suo, & corpus ejus p<sup>er</sup> me  
 de p<sup>re</sup>fat' nuper Vic<sup>er</sup> sic recept' in Prisona  
 p<sup>re</sup>dicta' salvo custodi feci quousq<sup>ue</sup> postea sci-  
 licet 10 die Dec<sup>em</sup>bris anno, &c. recepi quod-  
 da<sup>m</sup> breve d<sup>omi</sup>n<sup>i</sup> N<sup>ost</sup>ri Regis de supersedi mihi  
 direct' cujus quidem brevis tenor<sup>is</sup> sequit'  
 in hec verba Jac<sup>obus</sup> (&c.) Virtute cujus  
 quidem brevis de supersedi p<sup>ro</sup> eo q<sup>uod</sup> non  
 fuit aliqua alia Causa detentio<sup>n</sup> p<sup>re</sup>dicta' A. d<sup>omi</sup>n<sup>i</sup>  
 A. ad largum ire p<sup>er</sup>missa d<sup>omi</sup>n<sup>i</sup> brevi de Cap<sup>ite</sup>  
 ad satisfaciend<sup>u</sup> in aliquo non obstante put<sup>o</sup>  
 p<sup>er</sup> d<sup>omi</sup>n<sup>i</sup> breve de supersedi mihi inde p<sup>re</sup>cipi-  
 tur Ideo corpus p<sup>re</sup>dicta' A. coram p<sup>re</sup>fat' D<sup>omi</sup>n<sup>o</sup>  
 Reg<sup>is</sup> ad diem & locum in d<sup>omi</sup>n<sup>o</sup> brevi huic  
 Schedul' annex' content' parat' habere non  
 possum put<sup>o</sup> idem breve in se exigit & re-  
 quirat.

A. B. Ar<sup>chieps</sup>. Vic<sup>er</sup>.

Vide Dalt. 253. Wilk. Lat. 131.

Retorna



Retorn from the *Marshal's Court*.

Executio istius brevis patet in quadam  
Schedul huic brevi annex'.

Respons'.

Jacobi Ducis Omond  
infra Reg Hibnie Senti  
hospicii Dnd Regis E.  
W. Mil Mar' ejusdem  
hospicii & J. B. Mil  
Senti Cur' Pallacii in-  
frascript' Judicium Cur'  
ill'.

Cur' D'ni Regis Palacii Regis Westm'.

Nos Jacobus Dux O. infra regnum  
Hibn Sensus Hospitii Dnd Regis E. W.  
Mil' Marecallus ejusde Hospitii & J.  
B. Mil Sensus dia' Cur' Dnd Regis Pa-  
lacie Regis Westm Judices ejusdem Cur'  
J. North Mil Capital (vel H. W. Mil  
un) Justic Dnd Regis de Banco certifi-  
camus quod ante adventum nobis brevis  
huic Schedul annex' scilicet 14 die Julii an-  
no regni dci Dnd Regis nunc 18 A. B. in  
dco brevi nominat' capt' fuit apud S. in  
Com Surr' infra Jurisdicon hujus Cur'  
ac ibidem in Prisons Dnd Regis sub cu-  
stod nostra detent' virtut' cujusda Querele  
vers' ipm in dca Cur' lebat' ad sectam  
E. D. in placito trans' super Casum ad  
dampn ipsius A. 101. Detent' est etiam  
pred A. B. ad sect' E. J. in placito trans'  
super Casu ad dampnum ipsius E. 201. Et  
he sunt cause captcon & detencon plat' A.  
Y B. in

Ban.Reg. B. in Prisona Dñi Regis sub custod nostra  
 ~~~~~  
 cujus quidem corpus ad diem & locum in dño brevi content' parat' habemus
 put p idem breve nobis precipitur.

Black.

Offic. Brev. 112.

Qd' Def. est detent' virtute Extent' & committitur superinde.

Infranoninat' T. B. capt' fuit per O. P. Ar' nup Die B. infraspes in Execucione pro 300 vers'eum extent' virtute cujusdam Statut' Mercat' ad sextam D. L. super qd quidem Extent' p'fat' nuper Die delibera- vit mihi R. O. Ar' modo Die Com p'ed corpus p'dia' T. B. in Comuni Gaola ex- isten Et hec est causa caption' & detencion' corporis p'd' T. B. in Gaola p'dia' cujus quidem corpus ad diem & locum infracon- tent' parat' habeo put istud breve in se ex- igit & requirit.

Comitti-
 tur in-
 trat'.

Postea scilicet die Veneris, &c. extunc pr' sequen' coram Dño Rege apud Westm p'd' T. B. p'fens hic in Cur' sub custod' Mar', &c. ad petition' p'dia' D. L. com- mittitur custod' eidem Mar' in Execucione virtute Statuti p'dia' p p'dia' 300l. ibidem remansur' quousque, &c. Vide Thes. Brev. 132. Brev. Judic. 117, 120.

Habeas corpus & detentus per Latitat.

N. Ego H. M. Par' Die Com p'edicta' Serenissimo Dño Regi ad diem & locum in brevi huic Schedul' annex' specificat' hu- millime certifico quod ante adventum isti-

us brevis mihi direct' infranominat' E. f. Ban. Reg.
 in brevi p'dia' mentionat' detent' existit
 in Prisona dicti Dñi Regis sub Custodia
 mea virtute cujusdam brevis dicti Dñi
 Regis de Latitat vsus eundem Robert'
 ad sectam W. M. de placito transgress'
 acetiam bille ipsius W. M. vsus ipsum E.
 pro ducentis libris de debito retorn coram
 dicto Dño Rege apud Oxon die Lune pr'
 post Crastinum Purification' beate Marie.

Et hec est causa captionis & detentionis
 p'dia' E. corpus tamen ejusdem E. coram
 Dño Rege ad diem & locum in brevi p'dia'
 specificat' parat' habeo prout interius mihi
 precipitur. Offic. Brev. 223.

Aliter.

ff. Corpus infranominat' A. B. per me
 prius capt' & sua Custod' mea detent' cor-
 ram Justic' infrascript' ad diem & locum
 infracontent' parat' habeo prout interius
 mihi precipitur.

J. T. Ar. Vic'.

Offic. Brev. 220.

Habeas corpus post Cepi per diversa alia
 brevia, &c.

ff. Virtute istius brevis mihi direct' ce-
 pi corpus infranominat' E. L. cujus qui-
 dem Corpus remanet in Gaola in Cond'
 p'dia' sub Custodia mea virtute diver-
 soꝝ alioꝝ brevium mihi direct' Ideo cor-
 pus p'dia' E. coram Justic' infrascript' ad
 diem & locum infracontent' sine brevi de ha-
 bend'

Ban.Reg. bend' corpus cum causa habere non possum
 ~~~~~ pꝛout interius mihi pꝛecipit. Offic. Brev.  
 220. vide ibid. 117.

Special Retorn of a *Habeas Corpus & Languidus*.

¶ Ante adventū istius brevis mihi direct' infranominat' A. B. capt' & arrestat' fuit per me subscript' Vic' tam virtute separal' brevium dñi Dñd Regis de Capias super separal' Statut' Stapul' ac virtute separal' al' brevium dicti Dñd Regis Et Prisonē dñi Dñd Regis sive Gaole sue de M. in Com' meo infrascript' sub Custodia mea per me eundem Vic' super brevi pꝛed' in Executionē Comiss' cujus quidem A. B. corpus tam ad separal' retorn' pꝛed' separal' breve quam postea hucusq; in Gaola pꝛed' remansit & adhuc remanet in Executionē Languid' & infirm' Et sic in Prisona pꝛed' existē virtute istius brevis corpus ipsius A. etiam Cepi & arrestabi sed corpus ejus adhuc adeo Languid' est & tant' infirmitatibus cruciat' sub Custodia mea Ita quod corpus ejus coram Dñō Rege infrascript' ad diem & locum infrascript' absq; mortis periculo habere non possum.

P. E. Mil. Vic'.

Retorn' brevis de Habend' Corpus cum Causa.

Virtute  
 Warranti  
 Justic'  
 Pacis. ¶ Ante adventum istius brevis mihi direct' infranominat' A. B. commissus fuit Gaole & Prisonē Dñd Regis Castri sui Winton'

Winton' in Com' S. infrascript' sub Cu-<sup>Ban.Reg.</sup>  
 stodia mea virtute cujusdam Warranti sub  
 manibus C. D. & J. duor' Justic' dicti  
 Dñd Regis ad pacem in Com' p'dicto con-  
 servand' necnon ad diversa felon' transgres-  
 siones & alia malefacta in eodem Com' per-  
 petrat' audiend' & terminand' assign' geren'  
 dat' (tali die) anno infrascript' pro qui-  
 busdam transgressionibus & contempt' con-  
 tra formam Statuti pro punitione vaga-  
 bund' & pro relevamine pauperum & im-  
 potent' edit'. Et hec est causa captionis &  
 detencionis ipsius A. corpus tamen p'dict'  
 A. diem & locum infraconteni' paratum  
 habeo put interius mihi precipit'. Wilk.  
 Lat. 132. Offic. Brev. 232. Dalt. 254.

Def. deliberat' per Superfed', &c.

Virtute, &c. Cepi Corp' A. B. infra-  
 noiat' & ipsum ad Gaolam Dñd Regis  
 Castri sui de D. comiss' ibidem salvo co-  
 stodiend', &c. qui postea pretextu cujusdam  
 alterius brevis dñi Dñd Regis mihi direct'  
 & huic brevi annex' a Prisona ill' delibe-  
 rari feci. Vide Kitch. 258.

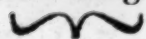
Aliter.

Postea, viz. tali die & anno p'textu cu-  
 jusdam alterius brevis dñi Dñd Regis  
 mihi direct' cujus transcript' vobis mitto  
 huic brevi annex' Et ideo Corpus p'dict' A.  
 C. coram Justic' infrascript' ad diem &  
 locum infracontent' habere non possum  
 put interius mihi precipit'. Ibid.

Y 3

Quod

Ban.Reg.



Quod Def. fuit Commiss' per Mittimus Justic'  
Pacis.

Ego T. B. Ar' Vic' Com' pdict' Dñō  
Regi infrascript' humillime certifico quod  
ante advent' istius brevis mihi direct' J.  
M. in dco brevi nominat' Commiss' fuit  
Custod' mee per quoddam Mittimus ab  
E. H. Bar' & T. C. Ar' duobus Justic'  
Pacis dñi Dñi Regis in Com' pdict' Tenor  
cujus quidm' Mittimus sequitur in hec  
verba.

*Kanc' ff.* To the Keeper of the Gaol for the  
said County of *Maidston* in the said  
County, and to his sufficient Deputy.  
We send you herewithal the Body of  
*John Merriam* of *Horsmonden* in  
the said County, Taylor, charged by  
*Robert T. of G.* in the said County  
Labourer, with speaking Dangerous  
and Seditious Words, of, and against  
his Majesty, (*viz.*) That the King  
did uphold as much Popery now in  
*England*, as ever was upheld in  
*Rome*, straightly charging and com-  
manding you in his Majesty's Name,  
to receive him into safe Custody,  
and him safely to keep in the said  
Gaol, until he shall be thence deli-  
vered by due Order of Law: Here-  
of Fail not at your Peril. *Given un-  
der our Hands and Seals at Cr. the  
29th of September, 1661.*

Et hec est Causa captionis & detentio-  
nis pdicti *Johis Merriam* sub Custod'  
mea



mea corpus tamen ipsius Johis Merria Ban.Reg.  
parat' habeo put istud breve in se requirit.

T. B. Ar. Vic'.

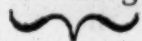
Offic. Brev. 231.

The like upon a Commitment by Order of  
Sessions.

N. Ego T. B. Ar' Vic' Com p'dia' Se-  
renissimo Dno Regi ad diem & locum in  
breve huic Schedule annex' mencionat' cer-  
tifico quod ante advent' dicti brevis infra-  
nominat' H. W. J. W. J. B. & C. C.  
Commis' & detent' fuer' in prisona dicti  
Dni Regis sub Custod' mea per quendam  
ordinem fact' per Justic' dicti Dni Regis  
ad Pacem suam in Com p'dia' conservand'  
necnon ad diversa felon' transg & al' ma-  
lefacta in eodem Com Can' perpetrat'  
audiend' & terminand' Nunc ad General'  
Session' Pacis dicti Dni Regis p Com  
p'dia' tent' apud Maidstone in Com p'dia'  
die Martis in prima Septim' pr' post  
Clau' Pasch anno Regni ejusdem Dni  
Regis sextodecim cujus quidem ordinis  
tenor sequitur in hec verba.

Itanc N. Hallendar' Prisonar' ad Gene-  
ralem Sessionem Pacis Dni Regis pro  
Com p'dia' tent' apud Maidstone in Com  
p'dia' die Martis in prima Septimana  
post Clm Pasche anno regni Domini no-  
stri Caroli secund' nunc Regis Anglie, &c.  
decimo sexto annog; Dom 1664.

Ban.Reg.



*A. W. J. W. J. P. and T. C. are convicted for absenting themselves from Church, and therefore are to remain in Gaol until they do conform, &c.*

*Et hec est Causa detentionis, &c. Offic. Br.*

231, 232.

The like upon the Commitment of a Corporation, and Justice of Peace.

*ff. Ego D. P. Ar' Vic Com pdia' Serenissimo Dno Regi ad diem & locum in brevi dicti Dni Regis mihi directa' & huic Schedul' annex' specificat' humillime certifico quod ante adventum istius brevis mihi directi scilicet octavo die Januarii anno Regni dci Domini Regis nunc, (Ec.) Paulus Franc' Marquess' de Brabantine Marcus Antonius Puget Miles de Malta & Ricardus Magnus de la Fountain in dicto brevi nominat' Commisarii fuerunt Gaole dicti Domini Regis de Maidstone in Com pdia' sub Custodia mea virtute cujusdam Warranti sub manibus & sigillis Jacobi Woodcott Majoris Villar' & Parochiar' de Gravelend & Milton in Com pdia' & Johis Watson Ar' unius Justiciario dci Domini Regis ad pacem infra villas & Parochias pdictas conservand' Assignat' cujus quidem Warranti Tenor sequitur in hec verba. To the Keeper of, &c.*

*Et hec est causa capcionis & detentionis pdi P. J. M. de B. &c. in Prisona dicti Domini Regis sub Custodia mea & non aliorum corpora tamen eorundem P. J. M. de B.*  
A. de

A. de P. Milit' de Malta & P. M. de la Ban. Reg.  
 ff. coram dco Dom Rege ad pdia' locum  
 in brevi pdia' specificat' parat' habeo put  
 per idem breve mihi pcipitur. Offic. Brev.  
 231, 232.

The like upon a Sessions Order for a Fine, and  
 Pillory, and an Action of Debt for 20l.

ff. Virtute istius brevis mihi direct' &  
 huic Schedul' annex' Serenissimo Domi-  
 no Regi in eodem brevi nominat' ad diem  
 & locum in eodem brevi specificat' humilli-  
 me certifico quod ante advent' dicti brevis  
 E. G. in eodem brevi mentionat' commissus  
 & detent' fuit sub Custodia mea per quen-  
 da ordinem fact' ad Generalem Gaole deli-  
 batorum dci Dni Regis p Com pdia' tent'  
 apud Maidstone in Com pdia' die Mar-  
 tis scilicet vicesimo Septimo die Marcii  
 anno regni dci Dom Regis decimo octava  
 cora Samuele Browne Mil' uno Justic'  
 dicti Dni Regis de Banco & Thom Lee  
 Ar' Justic' ipsius dci Domini Regis ad  
 Gaolam suam Com hanc pdia' de Pri-  
 sonar' in ea existent' deliband' Almagr Ce-  
 noz cujus quidem Ordinis sequitur in  
 hac parte, for speaking Seditious Words a-  
 gainst his Majesty, E. G. fined 100l. and com-  
 mitted until he pay the same, and must be set on  
 the Pillory three several Days in the Town of  
 Maidstone, from Eleven of the Clock in the  
 Forenoon till One of the Clock in the Afternoon,  
 on every of the same Days, with a Paper over  
 his Head shewing his Offence, and then must  
 find good Sureties to appear at the next Gaol-  
 delivery to be holden for this County, and in  
 the



Ban.Reg. the mean Time to be of the Good Behaviour,  
 W Accciam p̄dict̄ E. G. detent' existit in Pri-  
 sona dēi Dad Regis sub custod' mea vir-  
 tute cuiusdam brevis dēi Dom Reg de  
 Latitat Hs' eund' E. ad sextam J. N. de  
 placito trans' Accciam bille ipsius J. Hs'  
 ipsum E. p̄ 20l. Act' coram Dom Rege  
 apud Westm die jovis pr' post quinden  
 Martini ult' p̄terit' Et he sunt ea us' ca-  
 ſonis & detentōn p̄dict̄ E. G. sub custod'  
 mea Corpus tamē ipsius E. coram Dnō  
 Rege supradict' ad diem & locum in brevi  
 p̄dict̄ menconat' parat' habeo prout istud  
 breve in se exigit & requirit. Vide Offic.  
 Brev. 232, 333.

Retorn' per Vic' London' quod Def. est detent'  
 virtute Querel' coram Un' Vic'.

Postea scilicet 20 die Aug anno regni  
 Dom Reg nunc 14 ven' corā Capital'  
 Justic' apud Camera suam p̄dict̄ p̄dictus  
 R. in p̄p̄' p̄sona sua sub custod' p̄fat' Dic'  
 ac iidem Dic' videlicet F. M. & S. S. ei-  
 dem Capital' Justic' certificabant quod an-  
 te adventum brevis p̄dict̄ sibi direct' scilis-  
 cet 21 die Julii anno 14 supradict' p̄dict̄  
 R. G. in p̄dict̄ brevi nominat' cap' fuit  
 apud R. p̄dict̄ & in Prisona dēi Dom Re-  
 gis sub custod' sua detent' virtute cuiusdam  
 querel' vers' ipsū p̄ noēd R. G. ad sex' J.  
 R. In in Cur' dēi Dn Reg 17 die Julii  
 anno suprad' coram p̄fat' F. M. Un' Dic'  
 Civit' p̄d ten' lebat' in placito Compd de  
 & super receptō 21l. & 9s. in pecuniis  
 numeratis & diversorum bonorū & catalloꝝ  
 ad valenc' 30l. Et qđ hec fuit Causa cap-  
 ſonis

tenis ipsius R. in Prisona & sub custodi p. Ban. Reg.  
dia' cujus quidem corpus coram p. lat' Ca-  
pital' Justic' parat' huer' put' per breve il-  
lud sibi pcept' fuit, &c. Vide Offic. Brev.  
114. Et Des. superinde Manucapt' fuit.

Aliter per Vic' London'.

¶ Executio istius brevis patet in qua-  
da' Scheda huic brevi Annex' Respons'  
J. J. & A. R. Dic.

Retorn of a *Habeas Corpus* by the Sheriffs of  
London, that the Defendant is detained upon  
an Action of the Case for 50 *l.* Damages.

London ¶ Nos J. C. & A. R. Dic' I.  
Johanni Banks militi Capit' Justic' Dnd  
Regis de Banco in brevi huic Schedule  
annex' nominat' certificamus qd ante ad-  
ventu nobis p. dia' brevis scit' 26 die  
Maii anno regni d. Dom Regis nunc  
Angl', &c. Thom' Weaver in d. brevi no-  
minat' capt' fuit apud London p. dia' &  
in Prisona d. Dom Regis scit' Compu-  
tatorio scituat' in Woodstreet London  
sub Custodia nostra detent' virtute cujus-  
dam querele versus ipsum per nomen Thom'  
Weaver Staconer ad Secam Caroli Green  
in Cur' d. Dom Reg' in Computatorio  
p. dia' 21 die Jan' anno regni d. Dom Re-  
gis nunc Angl', &c. 16 coram me p. refat'  
Johann' Towle uno Dic' Civit' p. dia' tent'  
lebat' in placit' transg' sup' casum de  
dampnis 50 *l.* unde partes p. placitaver'  
ad patriam Et sic dictum placitu pendet in-  
discuss'

**Ban. Reg. discuss'** Et hec est causa captionis & detentionis prefat' T. W. in Prisona p'dicta sub Custodia nostra Corpus tamen ejusdem T. coram p'fat' Justic' parat' habemus.

M. infranominat' T. W. Andreas Crooke de Parochia S'c'e Fidis London' Stationer & Willus Lambert de Parochia S'c'i Mich'is in la Ropal L. Stationer.

Uterq; M. in Centum libris Capt' & Cog'd ultimo die Aprilis anno 16 Caroli Regis coram Edmundo Reeve.

The like Retorn by the Bishop of *Winton's* Steward of the *Cheney-Court* upon a Plaint of 20 l.

Stoke ff. Henr' fople Arm' ballius reverendi in Christo patris Dnd Walteri Ep'd Winton Cur' sue de le Chepney-Court Justic' Dnd Regis de Banco certifica q'd ante adventum istius brevis huic Schedule annex' videlicet 19 die Januarii anno Regni Dom' nostri Caroli Dei gratia Angl' Scoc' Franc' & Hibern' Regis fidei defensoris, &c. 18 ven' coram me p'fat' ballibo quidam S. A. & levasset coram me in Cur' p'dicta quanda querelam suam vsus D. W. in brevi p'd nominat' de placito transg' super Casum ad damnum 20 l. que quidem querela remanet coram me p'fat' ballibo in Cur' p'dicta adhuc indecis' Et hec & nulla alia est causa captionis & detentionis ejusdem T. W. Corpus tamen ejus coram Justic' dicti Domini Regis ad diem & locum infracontent' parat' habeo put inter' mihi p'cipitur. H. F. Ball. Ibid.

The



The like Retorn by the Mayor of *Canterbury*  
upon a Plaint of 20*l.* levied in his Court.

ff. ante adventum istius brevis mihi directi scilicet 17 die Julii anno regni Domi nostri Caroli nunc Regis Angl', &c. 13 infracontenti Thom & Agnes capti fuerunt in Civitat' Cantuar' & in Prisona Domi Regis ut dicitur detent' virtute cujusdam querele versus eisdem T. & A. in Cur' Domi Regis coram R. W. nuper Majore ejusdem Civit' dco decimo septimo die Julii in Guihalda ibm tent' lebat' & affirmat' ad sextam W. H. & R. C. in quodam placito transg' super casum ad dampnum ipsos W. & R. 20*l.* Et sic placitum illud ad presens coram me nunc Majore pendet & residet indecis' corpora tamen diacon' T. & A. coram Domi Rege parat' heo ad diem & locum infracontenti put' interius mihi precipitur.

W. D. Major'.

Vide Thes. Brev. 133. Major', &c. retorn quod Def. fuit in executione & amerc' quia non habuer' corpus ad diem.

The like upon a Plaint levied in the Court of the Archbishop of *Canterbury*.

ff. Domi Regi certifico quod ante adven- Palac'  
tum istius brevis mihi directi & huic Sche. Dom'  
dule annex' scilicet ad Cur' ibm tent' 12 die Arch'i  
Junii anno regni Domi Regis nunc 9 M. Cantuar'.  
C. vidua in brevi illo nominat' capt' fuit  
infra libertatem Cur' pdict' Archiepiscopi  
Palatii sui pdict' & in Prisona ibidem de-  
tent'

**Ban.Reg.** tent' virtute cuiusdam querele versus ipsam ad sextam **H. F.** in placito transgr' super casum, &c.

Detent' est etiam eadem **M. T.** vid' virtute cuiusdam alterius querele versus ipsam levat' per nomen **M. T.** vid' Adm bono & catallo que fuer' **E. T.** qui obiit intestat' ut dicitur ad sextam p'dict' **H. F.** in placito transgr' super casum.

Et he sunt cause captonis & detenconis ejusdem **M. T.** corpus tamen ejusdem **M. T.** coram Dom Rege ad diem & locum in brevi p'dict' Spec parat' habeo put mihi precipitur. **E. H. Senlus.**

The like upon a Plaint of 4*l.* 19*s.* levied in the Palace-Court of *Westminster*, (*alias Marshalsey*), which Sum being under 5*l.* the Judges of the said Court refused to send the Prisoner's Body to the Judge's Chamber according to the Tenor of the Writ, alledging in Excuse an Act made in the 21 Year of King *James* the first.

Cur Palac. Regis apud Westm.

**ff. Nos Jacobus Dux Ormond Senellus Hospiciti Dom Regis Edwardi Dilers Miles Marecallus ejusdem Hospiciti & Jacobus Butler Miles Senellus dñe Cur' Dom Regis Palatii Regis Westm Judices ejusdem Cur' Johanni Powell Mil' Un Justic Dom Regis ad placita in Cur' dñi Dom Regis coram ipso Rege tenend assign certificamus quod ante adventum nobis brevis Dom Regis huic Schedul' annex' scilicet 9 die Julii anno regni dñi Dom Regis nunc tertio Thom Dechepe in dño brevi nominat' capt' fuit apud Southwarke**

warke in Com<sup>o</sup> S. ac infra Jur' Cur' p<sup>o</sup>dicta<sup>o</sup> Ban.Reg.  
 ac ibidem in Prisona Dom<sup>o</sup> Regis sub  
 custod<sup>o</sup> nostra detent<sup>o</sup> existit virtute cujus-  
 dam querele versus ipsum per nomen T.  
 P. in d<sup>o</sup>ca Cur' lebat<sup>o</sup> ad sectam Marie  
 Mitton de placito transgr<sup>o</sup> super casum (p  
 quada<sup>o</sup> trans<sup>o</sup> super casum per p<sup>o</sup>dictam E.  
 Usus p<sup>o</sup>fat<sup>o</sup> M. apud S. in Com<sup>o</sup> S. ac in-  
 fra Jur' Cur' p<sup>o</sup>dicta<sup>o</sup> illat<sup>o</sup>) ad dampnū  
 ipsius Marie 4l. 19s. que quidem quere-  
 la adhuc in Cur' p<sup>o</sup>dicta pendet indetermin-  
 nat<sup>o</sup> Et non concernit liberū tenementum  
 vel hereditam seu titulum terre dimissionem  
 vel reddit<sup>o</sup> Et hec est sola causa cap<sup>o</sup>tonis &  
 deten<sup>o</sup>tonis p<sup>o</sup>fat<sup>o</sup> T. in Prisona Dom<sup>o</sup> Re-  
 gis sub custod<sup>o</sup> nostro nosq<sup>o</sup> p<sup>o</sup>fat<sup>o</sup> Judices  
 ulterius certificamus quod p<sup>o</sup>dicta Cur'  
 Dom<sup>o</sup> Regis Palatii Regis Westm<sup>o</sup> est &  
 diu ante adventum nobis p<sup>o</sup>dicta<sup>o</sup> brevis  
 Dom<sup>o</sup> Regis huic Schedul<sup>o</sup> annex<sup>o</sup> nec non  
 tempore leba<sup>o</sup>tonis querele sup<sup>o</sup>ramen<sup>o</sup>tonat<sup>o</sup>  
 ac diu antea fuit Cur' de Recordo & per  
 totum temp<sup>o</sup> p<sup>o</sup>dicta<sup>o</sup> habuit potestatem &  
 auctoritatem tenendi placitum p<sup>o</sup>dictum  
 unde querela p<sup>o</sup>dicta ut p<sup>o</sup>fertur lebat<sup>o</sup> fuit  
 Et quod p<sup>o</sup>dict<sup>o</sup> Jacobus Butler miles est  
 & tempore leba<sup>o</sup>tonis querele p<sup>o</sup>dict<sup>o</sup> & sem-  
 per postea hucusq<sup>o</sup> fuit Seneschall<sup>o</sup> ejusde<sup>o</sup>  
 Cur' ac unus Judic<sup>o</sup> Cur' illius ac tem-  
 pore leba<sup>o</sup>tonis querele p<sup>o</sup>dict<sup>o</sup> idem J. B.  
 fuit Barristar<sup>o</sup> in lege erudit<sup>o</sup> de Seniozi-  
 tat<sup>o</sup> (Anglice of the Standing) Triū anno-  
 rum & amplius ad barram de uno ex qua-  
 tuor Hospitiis Curialibus videlicet de  
 Hospicio Lincoln ac ut hujusmodi Senells  
 & unus Judic<sup>o</sup> Cur' illius tempore leba-  
 tonis querele p<sup>o</sup>dict<sup>o</sup> & continue postea  
 quamdiu p<sup>o</sup>dictum placitum pendebat in  
 eadem



Ban.Reg

eadem Curia p̄sens fuit & non fuit de concilio in causa p̄dicta nec aliqua al' ac-  
tione secta sive causa quacumq; in Cur' p̄dicta penden' Et ideo & quia dampna p̄dicta in querela p̄dicta menconat' non attingunt ad summa quinq; librarum corpus p̄fat' C. P. unacum die & causa capconis & detenconis sue virtute cuiusda' actus in Parliament' Dom' Jacobi nuper Regis Angl', &c. ann' regni sui 21 apud Westm' in Com' Midd' tent' in hujusmodi casu edit' & p̄vis' coram vobis p̄fat' Justic' non habemus juxta exigenc' brevis p̄dicta.

Bluck.

## Aliter per Ballivum Libertatis.

Ante adbentum istius brevis corpus infranominat' B. S. capt' fuit p' R. C. Ar' ballivum libertatis hundredi de C. in Com' meo & non p' me qui quidē ballib' liberat' plena habet execuc' omniū brevis & Warr' executabil' infra eandem libertatem & retozū eozundem sub custod' cujus ballibi libertatis idem B. S. est Ideo corpus ejusdem B. S. coram Justic' infrascript' ad diem & locum infracontent' habere non possum put interius mihi p̄cipitur.

C. D. Ar' Vic'.

Retorn' Habeas Corpus cum causa per Ballivum Libertatis.

Executio istius brevis patet in quadam schedula huic brevi annex'.

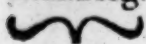
Dom

Dom Regi humillime certifico quod ante advent' istius brevis huic schedul' annex' corpus T. S. in eodem brevi nominat' capt' fuit & per me detent' est virtute Warrant' Vic Com S. mihi directi virtute brevis Dom Regis nunc sibi directi retornabil' coram Dom Rege apud Westm die Veneris prox' post Octab' Scti Martini ad respondend' R. S. de placito trans' ac etiam bille ipsius R. S. pro 20 l. super Obligatione.

Ac etiam virtute al' Warrant' Vic p'dicti mihi directi virtute al' brevis dicti Dom Regis sibi directi retornabil' coram Justic' Dom Regis apud Westm in Octab' Scti Michaelis ad respondend' B. S. de placito quod reddat ei 40 l. (vel de placito deb) Et he sunt cause captionis & detentionis p'dicti T. S. & non al' Corpus tamen ipsius T. S. coram W. H. Mil' in eodem brevi nominat' ad diem & locum in brevi p'dicto content' parat' habeo put' interius mihi p'cipit'.

R. C. Ar' Ball' Libert'.

Nota, Breve p'dictu' dirigend' est ballivo libertatis sed non Vic ac si breve sit retornabile coram Dom Rege apud Westm tunc sic (viz.) Corpus tamen ipsius T. S. coram Dom Rege ad diem & locum in eodem brevi content' parat' habeo prout interius mihi p'cepitur.

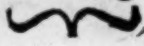


Aliter secund' Clift's Ent. 371. per Sen'llum.

Ego Thom' Jermyn capitalis Senflus libertatis de B. S'ci Edm in Com S. in hzevi ad quod hec Scheda annex' est Dom Regi apud Westm ad diem & locum in eodem hzevi content' humillime certifico Qu' ante adventum hzevis illius mihi, scilicet 12 die Octob' anno regni Dom Regis nunc 10 J. D. in p'dict' hzevi nominat' capt' fuit per me p'fat' Sen'llum infra libertat' p'dict' & in Prisona d'ei Dom Regis sub custodia mea deteni' existit virtute cujusdam Warrant' per Vic p'dict' Com S. sub sigillo Officii sui mihi direct' super quoddam hzebe d'ei Dom Regis de capias ad respondend' & Cur' ipsius Dom Regis de Com Banco apud Westm emanad' vers' eund' J. retornabile in eadem Cur' de Banco a die S'ci Michis in tres septimanas tunc p' sequend' ad sextam C. J. de placito trans' super casum super assumptionem Ad dampnum ipsius C. 150l.

Capt' est etiam idem J. B. per me p'fat' Sen'llum infra libertat' p'dict' & in Prisona d'ei Dom Regis sub custod' mea detent' existit virtute cujusdam al' Warrant' per Vic p'dict' Com S. sub sigillo Officii sui mihi direct' super quoddam al' hzebe d'ei Dom Regis de Capias ad respond' e d'ca Cur' ipsius Dom Regis de Com Banco apud Westm p'dict' emanad' vers' eund' J. retornabile in eadem Cur' de Banco in p'dict' tribus sept' S'ci Mich ad sext' A. G. de placito trans' ac etiam in quodam placito trans' super casum super



per assumptionem ad dampnū ipsius Ban. Reg.  
 A. 1211. 

Capt' est eciam idem J. B. per me pze-  
 fat' Senllum infra Libertat' p'dict' & in  
 p'ison' dicti Dom' Regis sub custod' mea  
 detent' existit virtute cujusdam al' War-  
 rant' per Vic' p'dict' Com' S. sub sigillo  
 Officii sui mihi direct' super quoddam al'  
 b'reve d'ci Dom' Regis de captias ad re-  
 spondend' e dicta Cur' ipsius Dom' Regis  
 de C. B. apud W. p'dict' emanand' vers'  
 eund' J. retornabile in eadem Cur' de  
 B. in p'dict' tribus Sept' S'ci Mich' ad  
 fest' A. N. vid' de placito trans' ac eciam in  
 quodam placito trans' super casum super  
 assumptionem ad dampnū ipsius A. 351.

Et he sunt cause captionis & detencion'  
 p'dict' J. B. cujus quidam J. corpus co-  
 ram dia' Dño Rege ad diem & locum in  
 b'revi p'ed' ad quod hec Scheda annex'  
 est content' parat' habeo put p' p'ed' b'reve  
 illud mihi p'ecipitur.

Aliter per Sen'llum Cur' Hundr' in Com' Cestr'  
 quod breve exequi non potuit.

R. L. Ar' Senllus Cur' in b'revi Dñi  
 Regis & Dñe Regine cui hec Scheda est  
 mentionat' Justic' ipsor' Dñi Regis &  
 Dñe Regin' apud W. humillime certifico  
 qd eadem Cur' tenta est & semper tenta  
 fuit infra hund' in eodem b'revi spec' Ac  
 hund' ill' est ac a tee' cujus contr' meū  
 homin' non existit fuit infra Com' Pala-  
 tin' Cestr' & parcell' ejusdem Com' infra  
 quem

Ban. Reg. quem quidem Com' Pal' breve Dñi Regis & Dñe Regine non currit nec currere solebat nisi humod' bre' Camerario Com' Pal' ille sive ejus ibidem loc' tenend' dirigat' Adq' Ego p'd' Scultus aliquod breve Dñi Regis & Dñe Regine nisi id sigillo Com' Palatin' p'd' sigillat' fuit infra Jur' p'dict' Cur' hund' seu alicubi infra Com' Pal' p'd' exequi non possum Et ideo corpus R. H. in p'dict' brevi cui hec Schedules annex' est nominat' coram p'fat' Justic' ad diem & locum infracontent' here non possum put' interius mihi p'cepitur. Vide Clift's Ent. 372.

Aliter per Ballivum Libertat' Westm'.

Ego W. C. Ar' Ballivus Libertatis Decani & capituli Ecclesie Collegiat' bti Petri Westm' C. J. Mil' und Justic' Dñd Regis ad placita coram ipso Rege tenend' Assid' humillime certifico quod ante adven- tum h'p'is dict' Dñd Regis mihi direct' q'd huic Schedules annex' est scilicet 4 die Feb' anno regni Dñd Car' 2 nunc Regis Angl, Ec. 34 A. B. in p'dict' brevi nominat' capt' fuit p' me p'fat' ballivum infra li- bertat' p'dict' & in Prisona dñi Dñd Regis sub custodi' mea detent' existit virtute cu- jusdam Warranti per Vic' p'd' Com' Assid' sub sigillo Officii sui mihi direct' super quoddam p'cept' vocat' Bill' Assid' retornabile coram dict' Dñd Rege apud W. die Lune prox' post Octab' pur' bte Marie ad respond' C. D. de placito trans' Accciam Bill' ipsius B. vers' p'fat' A. p. 40 l. de deba secundum Cons' Cur' dñi Dñd Regis coram ipso Rege ex- hibend'.

Detent'

Detent' est etiam idem A. C. in eadem Ban. Reg.  
 Prisona dñi Dñd Regis sub custod' mea  
 virtute cuiusdam al' Warranti, &c. (ut  
 supra mutatis mutandis.)

Capi' est etiam idem A. C. per me pre-  
 fat' ballivum infra libertat' pred' A. in Pri-  
 son dñi Dñd Regis sub custod' mea de-  
 tent' existit virtute cuiusdam al' War-  
 rant', &c. (ut supra mutatis mutandis.)

Et he sunt Cause capton' corporis pdict'  
 A. D. cujus quidem corpus coram Ju-  
 stic supranotat' parat' habeo p'ut p' pdict'  
 breve huic Schedul' annex' mihi precipi-  
 tur. Vide Clift. 373.

Retorn sur Mandavi Ballivo Libertatis Epi'.

Virtute istius brevis mihi direct' Man-  
 davi Ballivo Libertatis de S. Episcop'  
 C. ad capiend' & arrestand' infranominat'  
 J. S. in forma infrascript' qui plenum  
 habet retorn' omnium brevium & precept' &  
 Execucion' eorum infra libertat' pd' Ac qd  
 nulla Executio istius brevis per me fieri  
 potest infra eandem libertatem Qui qui-  
 dem ballivus nullum mihi adhuc dedit  
 responsum.

Or thus: — Qui mihi respondit quod  
 infranominat' J. S. non est invent' in  
 balliva sua.

Or thus: — Qd cepit corp' infranomi-  
 nat' J. S. cujus quidem corpus ad diem  
 & locum infranotat' parat' habet ad fa-  
 ciend' ea omnia que istud breve in se exi-  
 git & requirit. Dalt. 254. Kitch. 258. Wilk.  
 Lat. 133.



Retorn' per Constabular' Castri Dover.

Iustic' Dne Regine infrascript' certifico quod corpus infranominat' H. G. ad diem & locum infracontent' parat' habeo put interius mihi precipitur.

Respons' Dni E. Custod' Dne Regine Castri sui Dover ac Custod' quinq' portuum suorum. Vide Brev. Judic. 112.

Aliter per Custod' de Fleete.

Iustic' infrascript' certifico quod corpus infranominat' W. H. in Prisona Dne Regine de Fleet parat' habeo ad diem & locum put interius mihi precipitur.

Respons' B. N. Ar' Gardiani prisona pdi. Vide retord' & enlargement de Prisoner del Fleet commit per Commissionar' Ecclesiast'. Id. 122.

Sur Cap' ult' Vic' Retorn' qd' Def. non sibi deliberat' fuit, &c.

Infranoiat' C. L. ante advent' brevis isti' capt' fuit per C. M. Ar' nuper Dic Com' infrascript' Predecessor' meum Qui quidem nup Dic corpus pdict' C. L. in ejus exit' ab Officio suo mihi non deliberabit Per quod corpus ejusdem C. L. coram Iustic' infrascript' ad diem & locum infracontent' habere non possid' put interius mihi precipitur. Idem. 113.

It may further be observed, as is mentioned Ban.Reg. in the *Compleat Sheriff*, from fol. 169. concerning these Writs of *Habeas Corpus*.

*Id.* fol. 169. That they are of two Sorts, viz. A *Habeas corpus ad subjiciend'*, which is granted in the *Queen's Bench* on the Criminal side, between the King and Party, and *Habeas corpus ad respondend' recipiend' or faciend'* granted on the Plea-side, between Subject and Subject

2. That a *Habeas corpus ad respond'* is called a *Habeas corpus cum causa*, to remove the Prisoner and all the Causes that are against him.

*Id.* fol. 170. Is set forth what shall be said to be a good Retorn, on a *Habeas corpus cum causa*, and that it may be amended before it is filled, but not after. *Vide* 1 Leon. 145. *Sed vid.* Hob. 113.

That the Conclusion thereof ought to be *corp' tamen ejus parat' habeo*, though it cannot always be so. 1 Leon. pag. 70. 3 Keb. 229.

*Id.* 171. That the Cause of Commitment ought to be shewn, and that the Court will not discharge such as are arrested by *Process* of the *Exchequer*, or *Common Pleas*, &c. before they have found Sureties for their Appearance. *Vide* 1 Leon. 145.

That a Retorn was by the Warden of the *Fleet*, *Propter contempt' extra Cur' Canc'* and not good. 1 Roll's Rep. 92.

*Id.* 172. That the Retorn ought to be on Parchment. Hob. pag. 113.

The Retorn was, That the Justices committed him for a Fine, and the Court awarded him to remain in Prison till Payment. *Vide* 1 Leon. pag. 70. the Retorn on a *Habeas corpus* was a Protection.

*Id.* 173. That the Court of *Queen's Bench* made a Rule for the Warden of the *Fleet* to bring in

**Ban.Reg.** the Body the next Day *sub pœna* 20*l.* where he had not returned his Writ at the Day ; and that so are all Precedents of Felony and Treason.

That if it appear the Cause and Commitment be good, the Court remands the Prisoner ; and if not, they discharge him ; and if it be doubtful they Bail him.

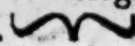
It is also further observed in *Dalton's Abridgment*, fo. 158. *a.* That these Writs of *Habeas corpus* and *Corpus cum causa*, are to be executed by the Sheriff, notwithstanding any Commandment to the contrary from the Lord Chancellor, or other Subject whatsoever.

And fo. 158. *b.* He adds, *immo coment del nostre Seignior le Roy mesme desouth son Privy Seale, ou auter son ordinary power quant al execution de Justice, except tamen le absolute power del Roy :* And if the Sheriff shall surcease to execute the King's Writ upon any such ordinary Commandment, the Sheriff shall be amerced, &c.

Yet note, It is allowed in *Comp. Sheriff* 173. That upon a *Habeas Corpus* the Sheriff may suggest, that the Party will not pay his Charges of Retorn of *Habeas corpus ad faciend' & recipiend'*, but *contra* in *Habeas corpus ad faciend' & subjiaciend'* ; for this he must retorn at his Peril. 1 *Keb.* 272, 280.

That on a *Habeas corpus* to remove any Prisoner, the Sheriff must retorn the Writ, and the Court will allow his Charges, and compel Payment, if the Officer and Prisoner, or Plaintiff cannot agree, or Payment be not made according to the Agreement. *S. T. Jones*, pag. 178.



**Qd** Def. fuit capt' p nuper Vic qui Ban.Reg.  
non curat eum liberare modo Vic. 46.   
E. 3. 3.

**Qd** Def. fuit capt' in Execucone Et  
Mar' non potuit nec voluit Habere corpus  
si e Habeas corpus cum causa. Dyer 364.

Per Guardianum de le Fleet quod Def.  
fuit comiss' super Atlagaria. Rast. 304.

Per Vic London quod Def. detent' p  
querelam unde partes pfitaver' & virtute  
3 brevium de Execucone super Recogñ in  
Canc' & debito recuperat' in Lond & 2 querel  
in L. unde Eric' junct' Et ad separat  
mandat' N. B. Mil C. D. Mil & E. f.  
Ar' Recordatoris London quon causa Vic  
est ignota. Co. Ent. 344.

Aliter super Capias utlag & querel in  
London. Id. 345.

Aliter super sex separat querel in Cur'  
Vic London. Id. 436.

**Qd** fuit detent' per nuper Vic & modo  
Vic super querel in debito & 2 querel in  
trans'. Id. 437.

Super querel in debito super Recogñ ad  
solvend' denar' Orphanis super Cons in  
London & part' Uraꝝ Paten Et petico ad  
procedend'. Id. 346.

**Qd** Def. est capt' per Actonem ad Sea'  
Camerar' London p pena forisfact' per  
Actum Cois Consilii roñe Shope custodit'  
infra Civit' per extraneum. 8 Co. 123.

**Qd** Def. fuit comiss' pro malegestura  
erga Majorem London. Co. Ent. 346.

Ban. Reg.

*Note*, That for the general Directions of Writs of *Habeas corpus*, *Error* or *Privilege*, they may be found in *Thesaurus Brevium* last published, *Compleat Attorney*, and several other Tracts. See also *Tremain's* Entries.

## Habeas Corpus Jur'.

**Habeas Corpus Recognd Amze obe tales.**  
Hern. 22.

## Habere facias seisinam, &c.

Vide ante Tit. Dower, & vide Offic. Brev. 352,  
355. & Brev. Judic. 105.

Virtute istius b'is mihi direct' Justic' infrascript' certifico quod tali die & anno infrascript' Habere feci A. G. plenam Seisnam de uno messuag' cum pertind in S. infrasp' in omnib' put istud b'reve in se exigit & requirit.

Aliter.

Virtute istius b'is mihi direct' 26 die Quob' anno infrascript' Habere feci infrascript' N. S. plenar' Seisnam de & in ten'tis infrasp' cum ptind' put interius mihi p'cepit'.

Aliter.

Aliter.

**Virtute, &c. tali die & anno infraſcript' habere & assignare feci infraſcript' A. B. plenar' Seignam de manio & tentis infraſcript' in loco convenienti, viz. de manio de f. 20 acr' terre 100 acr' prati, &c. cum p'tin' in f. &c. in Com' infraſcript' ſecund' formam & effectū. &c. Vide Dalt. 254, 255, &c. vide poſtea Seisin, vide Theſ. Brev. 105, 109, 235. recit. del Seisin Deliver.**

Seisin executed by one Sheriff, and returned by another.

**Et Die videlicet J. C. modo mandū qđ H. C. nuper Die Com' p'dia' Predecessor' ipſius nunc Die virtute h'is p'dia' ſibi direct' tali die (&c.) put ſibi p'cept' fuit qđ quidm' breve in forma p'dia' ſervit' & execut' p'fat' nuper Die deliberabit eidem nunc Die in exit' ab Officio ſuo, &c. Brev. Judic. 109.**

*Note, That upon an Habere facias ſeiſinam, (or other Writ where Land is recovered,) it is obſerved that the Sheriff may not make ſuch Retorns as follows, viz.*

That there is no ſuch Land, and that therefore he could not make Execution, &c.

Nor that a Stranger is Tenant of the Land, and that therefore he could not, &c.

Nor that he, againſt whom the Recovery is had, hath nothing in the Land, or is not Tenant thereof, &c. 6 Co. 52. Fitz. Ret. 91.

For



Ban.Reg.

For it is held, That upon an *Habere facias seisinam*, the Sheriff ought to execute the Writ, altho' that a Stranger be seized of the Land, and that in Truth none of the Parties to the Writ were ever seized thereof. 6 Co. 52. *Plow. fo. 12 b.*

But upon an *Habere facias seisinam*, the Sheriff may make such Retorns as follow, *viz.*

That he offered to the Demandant Seizin, &c. and that he refused it. *Dyer 278.*

That the Sheriff was Tenant of the Land, and that therefore he could not serve the Writ, &c. *Br. Ret. 46.*

That none came to receive *Seisin*, &c. *Fitz. Exec. 248.*

That none came *ex parte peten. ad ostendend' Tenement*, &c. but not if the same Sheriff made the Summons.

The Sheriff retorn'd that he could not deliver Seizin because of Resistance made by *J. B.* and other Persons unknown, and was amerced, for that he might have taken *Posse comitatus*, &c. and yet such Retorn hath been allowed. *Fitz. Exec. 247. Fitz. Suggest. 15.*

And it is said the Sheriff may put the Party in Seizin or Possession, as followeth:

1. Of a House, by the Ring of the Door: Or, the Sheriff may open him the Door of the House, and bid him to enter, &c. 5 Co. 91. *Perk. 43.*

2. Of Land, by a Bough, Twig, Clod or the like upon the Ground.

3. Of a Rent, by the Corn or Grass growing upon the Land, out of which the Rent is issuing: Or by Distress of Cattle *Levant* and *Couchant* there, but the said Cattle may not be driven off the Lands by the Sheriff or Party.

And

And it is noted, that upon an *Habere facias* Ban.Reg. *seisnam*, as also upon *Habere facias possessionem*, if the Sheriff shall duly execute the Writ, or that the Plaintiff or Demandant have his Demand, there the Sheriff needs not make any Retorn of the Writ. *Vide Dalt. 256.*

Retorn of a Writ of Seizin in Waste.

**Virtute istius b̄dis mihi direct' quinto die Sept' anno regni Regis & Regine infrascript' tertio habere feci infranominat' Christophoro filio plenar' seisnam de inframenconat' domo manconali vastat' cum pertin' put interius mihi precipitur accediam Virtute inde eisdem die & anno in propria Persona mea accessi ad infrascript' domum manconalem vastat' & ibidem diligenter inquisitionem feci de dampnis p̄dicti Christophorum sustent' occasione vasti vendicō & destruccō inframenconat' cujus quidem Inquisitionis tenor patet in quadam Schedul huic b̄di annex'.**

Hen. Wallis, Arm. Vic'.

See afterwards for an Inquisition in Waste.

Seizin executed by one Sheriff, and returned by another. *Vide ante & postea Redisseizin.*

Retorn of *Habere facias possession. cum Fieri facias.*

**Virtute istius b̄dis mihi direct' 24 die Maii anno infrascript' Habere feci infranominat'**

Ban. Reg. *ñoiat'* H. H. possessionem termini sui infrascript' de ten'tis infrascript' cum ptinend' Accediam fieri feci de terris & catallis infrascript' M. M. 20 s. parcelle dampnorum infrascript' Et denar' ill' habeo coram Justicie infrascript' ad diem & locum infrascript' ad reddend' p'fat' H. H. put interius mihi p'cepitur.

A. B. Ar. Vic'.

Vide Dalt. 256. Wilk. Lat. 134.

Aliter secund. *Greenw. 229. with a Cepi for Costs.*

Virtute istius b'is delibari feci eidem A. B. possessionem suam termini infrascript' de messuag' terris & ten'tis infrascript' Accediam Cepi corpus infrascript' C. D. cujus corpus coram Justicie infrascript' ad diem & locum interius content' parat' habeo put interius p'cepitur.

And where the Defendant is not found, then close thus:

Et ulterius certifico Justicie infrascript' qd' infrascript' C. D. non est invent' in balliva mea.

Habere fec. possessionem de medietat'.

¶ Virtute, &c. primo die Aug' anno 10 infrascript' Habere feci infrascript' A. B. plena possessionem suam de medietat' ten'torum infrascript' Que quidem medietas est una pecia terre voc' A. continend' decem ac' terre



terre, & un<sup>d</sup> al<sup>i</sup> pecia terre voc<sup>e</sup> Q. in B. Ban. Reg.  
infrascript' tenend<sup>i</sup> ei in separalitat' per  
metas & bundas p<sup>u</sup>t interius mihi p<sup>re</sup>ci-  
pitur.

T. K. Ar. Vic'.

Offic. Brev. 221.

Habere fac. possession. secund. Comp. Sher. 240.

Virtute istius h<sup>u</sup>is mihi direct' Justie  
infrascript' certifico (q<sup>u</sup>d tali die & anno  
infrascript') Habere feci A. G. plenam  
seisinam de & in un<sup>d</sup> messuag<sup>i</sup> cum p<sup>re</sup>ti<sup>o</sup> in  
S. infrasp<sup>e</sup>c in omnibus p<sup>u</sup>t istud h<sup>u</sup>ebe  
exigit & requirit.

Aliter ibid. 241.

Virtute istius h<sup>u</sup>is mihi direct' 24 die  
M. anno infrascript' Habere feci infrañoi-  
at' H. H. possession<sup>e</sup> termi sui infrasp<sup>e</sup>c  
de t<sup>o</sup>tis infrascript' cum p<sup>re</sup>ti<sup>o</sup> p<sup>u</sup>t inte-  
rius mihi p<sup>re</sup>ci<sup>u</sup>pitur.

Hab. fac. possession. execut. per veterem Vic'.

Ad quem die, &c. Et Dic videt<sup>r</sup> C.  
A. Mil Balnei modo mand<sup>i</sup> h<sup>u</sup>ebe p<sup>re</sup>dia'  
p C. B. Ar' p Dic Com p<sup>re</sup>dia' pdecessorem  
suum in Exit' ab Officio suo eidem nunc  
Dic execut' in forma sequen<sup>d</sup> videlicet Q<sup>u</sup>d  
ipse virtute h<sup>u</sup>is ill' sibi direct' (tali die)  
ult' p<sup>re</sup>erit' habere fec<sup>i</sup> p<sup>re</sup>fat' quer' possessio-  
nem suam termi sui p<sup>re</sup>dia' adhuc ventur'  
de

Ban.Reg. de & in testis p̄dicta' cum p̄t̄id put per  
 h̄be p̄dicta' sibi p̄ceptum fuit, &c. Offic.  
 Brev. 120. simil. Brev. Judic. 104.

Habere facias possessionem ubi pars terre jacet in  
 quinq; Portibus & al. pars jacet in Com. &  
 Tarde adinde.

ff. Virtute istius h̄beis mihi directa' Dñō  
 Regi infrascript' humillime certifico quod  
 quoad sex messuagia unum molendinum  
 trescent' acras terre octodecim acras p̄ati  
 & decem acras pasture cum p̄t̄id in Pa-  
 roch S̄ci Johis Baptiste & S̄ci Petr' A-  
 postoli infrascript' parcelle Tenementō infrascript'  
 eadē jacent' infra quinq; p̄rtus  
 ubi h̄be Dñi Regis non currit Et ea de  
 causa h̄be p̄dicta' quoad rēta illa exequi  
 non possum Et quoad centum acras terre  
 & viginti duas acras pasture in M. & in  
 Parochiis S̄ci Laurencii & Chiffet infra-  
 script' Tenementō infrascript' resid' ulte-  
 rius certifico quod istud h̄be adeo tarde  
 ante Retorñ ejusdem h̄beis mihi delibe-  
 rat' fuit quod h̄be ill' ratione inde ex-  
 qui non potui p̄out interius mihi p̄ci-  
 pitur.

A. B. Ar. Vic'.

Offic. Brev. 224.

Habere

Habere fac' visum:

Vide ante in *Dower* and *Formedon*.

*Note*, That in all real Actions where the Tenant doth not well know the Land demanded, he may pray the View, *scilicet*, that he may be shewed which is the Land demanded.

The View retorn'd.

*Wirtute, &c. Justic' infrascript' ad diem & locum infracent' certifico qd tali die & anno Habere feci infrascript' J. F. & M. Ar' ejus visum de messuag, &c. infrascript' cum p'tin' Et dixi A. B. C. D. E. F. G. H. quatuor? Nil de Com' meo (or ex illis) qui visui ill' interfuer' quod sint coram Justic' p'dicta' ad diem & locum infracent' ad testificand' visum ill' put in- terius mihi p'cepitur. Lib. Intr. 686. Dalt. 256.*

And the Sheriff may also retorn, that he was ready to make the View, and that neither the Tenant nor any for him came to have the View. *Fitz. View. 126.*

*ff. Wirtute, &c. Justic' infrascript' certifico quod nullus ex parte R. S. veni ad ostendend' mihi visum de messuag & p'p'rtis cum p'tin' infrascript' Ideo ad Execucionem istius b'rebis p' me nihil actum est ad p'presens. Fitz. Ret. 103.*



Aliter.

**N**ullus venit ad me ex parte infrañoi-  
at' R. F. ad monstrandū mihi visum de  
pastur' infrascript' Ob quam causam vi-  
sum de pastur' ill' infrascript' R. F. Ha-  
bere facere non potui.

Also the Sheriff is not bound to know, or to  
seek the Land demanded, therefore except the  
Demandant shew it to him he may retorn,

**Q**uod nullus veni ex parte petentis ad  
ostendendū mihi Tenementa petita Et ideo  
dicit' T. S. (petenti) de Tenentis infraspēc  
Habere visum non potui, or Non feci.  
Vide Fitz. Process. 5. Fitz. Ret. 103.

Or the Sheriff may retorn.

**Q**uod mandabit ballivo libertatis, &c.  
Qui respondit quod petens non venit ad  
ostendendū, &c. cum ille paratus, &c.

*Note,* If the Demandant shall shew to the  
Sheriff a Stranger's Land, by Force whereof the  
Sheriff enters, he is no Trespasser. *Kel.* 119, 120.

In a Precipe of Rent, the Sheriff upon the  
View demanded and granted shall not retorn  
*Habere feci visum* in 20s. reddit. but he must  
retorn, *Habere feci visum de terra unde redditus,*  
&c. *Fitz. Ret.* 70.

Also if a Rent be granted (but out of no  
Land) and yet certain Land is charged to the  
Distress, if the Rent be behind, there in an  
Assize, &c. this Land so charged shall be put in  
View. *Br. Ass.* 150.

If the Rent be granted out of one Land, and other Land within the same County be charged to the Distress, here both these Lands shall be put in View. *Ibid.*

In an Assize of Land in two Towns, the View ought to be made in both Towns. *Fitz. Assize* 122. Also, it ought to be made where the Disseizin began. *Ibid.* 28.

And where Part of a Manor, or the like, is in Demand; yet the View shall be of the whole. *Br. View.* 39.

So where a Moiety, or third, fourth, or other Part of House, or Land is only in Demand; yet the whole shall be put in View. *Br. view.* 46. 71. *Vide Dalt.* 257. and *Dalt. Abridg.* 261, 262.

When the Sheriff maketh the View, he ought to warn the Tenants and Viewers, for otherwise the Tenants shall not know when the Sheriff maketh the View. *Fitz. View.* 156.

And the Sheriff and Viewers must go to the Tenements demanded, &c. and the Sheriff must have with him six at the least of the Jury to take the View. *Co. Lit.* 158.

So that Viewers are those that are sent by the Court to take the View of any Place in Question, for the better Decision of the Right. *Old Na. Br.* 112. *Bract. Lib.* 5. *Tract.* 3. chap. 8.

It signifieth also, that those that are sent to view such as Essoin themselves *de malo Lecti*, whether they counterfeit, or be in truth so sick as that they cannot appear. *Br. Lib.* 5.

Also it is used for those that are sent, or appointed to view an Offence.

See also the late Statute Enacted for Amendment of the Law, That where it shall appear to the Court, in which such Actions are depending, That it will be proper and necessary,

**Ban. Reg.** that the Jurors who are to try the Issue in any such Actions, should have the View of the Mesuage Lands or Place in Question, in order to their better Understanding the Evidences that will be given upon the Trials of such Issues; in every such Case the respective Courts, in which such Actions shall be depending, may order Special Writs of *Distringas*, or *Habeas corpora*, to issue, by which the Sheriff, or such other Officer, to whom the said Writs shall be directed, shall be commanded to have six out of the first Twelve of the Jurors named in such Writs, or some greater Number of them at the Place in Question, some convenient time before the Trial, who then and there shall have the Matters in Question shewn to them by two Persons in the said Writs named, to be appointed by the Court; and the said Sheriff or other Officer, who is to execute the said Writs, shall by a Special return upon the same, certifie that the View hath been had according to the Command of the said Writs.

### Homine replegiand'.

**Virtute istius, &c.** Justic' Dñd Regis certifico quod nullum aliud breve vel mandatu' dicti Dñd Regis de repleg' infra scriptu' J. C. quam *III. S.* infrascriptu' cepit & cap' tenet p'ut interius spec' qm istud b'v' de plur' repleg' p'edict' J. ad manus meas devenit nec mihi liberat' fuit nihilominus Justic' dñi Dñd Regis certifico quod statim post receptiõem ejusdem brevis accessi ad p'dict' *III. S.* de repleg' faciend' p'dict' J. quam p'dict' *III.* mihi ostendere noluit Sed p'dict' J. ante adventum istius brevis



Brevis ad loca mihi incognita elongabit Ban. Reg.  
 & post receptionem ejusdem brevis ipsa J.  
 non est inventus in balliva mea sic quod ali-  
 quam repleg ipsius J. juxta mandatum hu-  
 jus brevis ulla modo facere non potui put  
 interius mihi precipitur. Vide Dalt. 258.  
 simile Kitch. 262. b.

And there it is noted, That if the Sheriff re-  
 turn that the Defendant hath eloined, or con-  
 veyed away the Body of the Plaintiff, so as he  
 cannot make Deliverance, &c. Then the Plain-  
 tiff shall have a *Capias* in *Withernam*, to take  
 the Body of the Defendant, and him to detain,  
 &c. until, &c. (be he a Peer of the Realm, or  
 other Common Person) and if the Sheriff return  
*non est inventus* upon this *Capias* in *Withernam*  
 for the Body, then the Plaintiff shall have a *Ca-  
 pias* in *Withernam* of the Goods of the Defen-  
 dant. 11 H. 4. fo. 15.

It has been held a good Retorn by the Sheriff,  
 that he could not have the View. *Et ideo, &c.*  
*Fitz. Mainpr. 23. Intr. 402.*

That the Defendant claimeth the Plaintiff to  
 be in his Ward, &c. *Vide Dalt. 258, &c.* See  
 2 Lut. 1428 & 1432. Defendant justifies by Vir-  
 tue of a Writ *de Homine replegiando*.

Aliter.

Nullo aliud breve propter istud de repleg  
 infrañoiat' D. G. ad manus meas huc-  
 usque devenit Et ulterius Justic infra-  
 script' certifico quod predict' D. elongatus est  
 ad loca mihi incognita per infrañoiat' J.  
 C. J. B. & C. R. per quod predict' D. re-  
 pleg

Ban. Reg. *pleg non possum put interius mihi precipitur.* Vide Dalt. 258. simile Kitch. 263.

Aliter secund. Thes. Brev. 140.

*Virute istius brevis mihi direct' Duo Regi certifico quod executio istius brevis juxta formam & effectum inde facere non possum Et qd ante advent' istius brevis mihi direct' D. R. infrañoiat' per infra-script' C. M. & F. Ar' ejus ad loca mihi incognita elongat' fuit & adhuc elongat' existit ita quod ipsam D. videre seu noticiam de ea aliquo modo habere me possum. Et ulterius certifico qd nullum aliud breve ad replegiand' pdict' D. R. preterquam istud breve ad manus meas unquam devenit.*

T. W. Ar. Vic'.

Vide Dalt. 556. See also 2 Salk. 705, 706, & 2 Shower 226. 230.

## Inquisition.

Vide antea.

It is to be observed, That Inquisitions are taken in the several Particulars following:

Upon an *Ad quod dampnum.*  
 Upon an *Admeasurement.*  
 Upon an *Ætate probanda.*  
 Upon Inquiry of Damages.  
 In *Detinue* and *Dower.*  
 Upon an *Elegit* and *Extent.*  
 Upon a *Partition.*  
 Upon a *Proprietate probanda.*  
 Upon a *Redisseizin.*  
 Upon a *Secunda Superoneratione.*  
 In *Trepas.*  
 In a *Writ of Waste.*

Many of which are set down before in their Alphabetical Order, and the rest will also follow in the like Order.

As also on Outlawries, Ideocy, Lunacy, Felo de se, Hue and Cry, &c. There

Therefore we will here observe, That the Ban.Reg. Sheriff in all his Inquisitions taken and retorn'd by him, must therein set down the Certainty of the Year, Day, and Place, of taking the Inquisition.

If the Writ appoints that the Enquest shall be taken at a Day or Place certain, the Sheriff must retorn, that it was taken at the same Day or Place *Fitz. Ret. 64.*

That where the Sheriff is to make an Inquisition, it seemeth that none of the Enquirers may be challanged, for that they are but an Enquest of Office; yet in a Writ to inquire of Waste (where the Sheriff is both Judge and an Officer) the Enquirers may be challanged, and if the Sheriff shall deny it, it is Error. *Kiel. 125. Br. Offic. 4.*

And so it is in a Writ of Redisseizin; therefore the Sheriff may make the Panel, and after may adjudge the same to be quashed, if there be Cause. *Ibid. Br. 4.*

In every Case the Sheriff ought to make his Enquiry by 12 Men at the least; and when the Jury have appeared, he must swear them, and then give them their Charge, *scilicet*, to make Enquiry according to the Writ. *Dalt. 260.*

And after the Charge given, if any of the Jury shall depart without giving up their Verdict, the Sheriff may retorn that the Jurors were charged before him, and that afterwards such of the Jury or Jurors departed in Despight of the Court without giving up their Verdict, and such Retorn is good, and an Attachment will thereupon go out against the Jurors. *Vide Theſ Brev. 5. Attach. super contempt. versus Jur. eo qd. non vener. coram Vic. ad dand. Verdict. ad diem eis affix. Idem 268. in Particon.*



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And all Inquisitions made by the Sheriff must be by Writing indented, and retorned under the Seal of the Sheriff, and of every Juror.

And in most Inquisitions the Sheriff is to summon or give Warning to the Parties, that they may be present thereat, if they will, *scilicet*, to plead, give in Evidence or make their Challenge, &c.

And wheresoever the Sheriff shall make a false Retorn, an Action on the Case lieth against him; but if he shall make Inquisition by a Jury, and retorn the same, altho' it be false; yet the Party hath no Remedy against the Sheriff, nor against any other; *quod Nota. 5. Co. 32.*

Also it is said, that if upon an Inquisition any Doubt shall arise, &c. The Sheriff may retorn that he and the Jury were in Doubt, shewing wherein, and so pray the Advice of the Court therein. *Vide Dalt. 260. and Dalt. Abridg. 163.*

Inquisitio sur melius inquirend' quomodo & qualiter A. B. ad mortem devenit.

Inquisitio, &c. coram me M. T. Ar' Die Com p'dia' virtute brevis Dni Regis de melius inquirend' mihi direct' & huic Inquisitioni annex' per Sacram A. B. (&c.) probor' & legalium homin' de balliva mea qui jurat' & onerat' ad inquirend' qualiter & quomodo J. B. nuper de P. in Com p'dia' Yeoman ad mortem suam devenit die super Sacram suum quod p'dia' J. in brevi p'dia' nominat' apud P. p'dia' in Com p'dia' ex visitatione divina obiit (or otherwise, as the Case shall be) Et sic Jur' p'dia' dicunt quod p'dia' J. B. modo & forma p'd Et non aliter nec aliis quo

quod alio modo ad mortem suam de-  
venit In cuius rei, &c. tam ego p<sup>re</sup>-  
fat' Dic' q<sup>uo</sup>d Jur', &c. Vide Dalt. 551.  
Vide Wilk. Lat. 155.

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Retorn' Inquisic'on' de mediis proficuis in E-  
jectment after Judgment affirm'd in the Exche-  
quer.

Executio istius brevis patet in quadam  
Inquisitione huic brevi annex' R. G. Mil  
Dic' Inquisitio indentat' cap't' apud Ca-  
strum Eborum in Com' E. primo die Maii  
anno regni D<sup>ni</sup> nostri Car' 2 Dei gra  
Angl' Scoc' Franc' & Hibne Regis Fidei  
Defens', &c. 33 coram me R. G. Mil' Dic'  
Com' p<sup>ro</sup>dia' virtute brevis D<sup>ni</sup> Regis  
mihi direct' & huic Inquisitioni annex' per  
Sacram J. B. (&c.) p<sup>ro</sup>boz & legalium ho-  
min' de balliva mea qui onerat' & jurat'  
dic' super Sacram suum q<sup>uo</sup>d Eric' & p<sup>ro</sup>-  
ficua terraz & tenetoz in d<sup>eo</sup> brevi spec' a  
die reddicionis Iudicii in brevi p<sup>ro</sup>dia' simi-  
lit' mentionat' scilicet a die mercurii p<sup>ro</sup>x'  
post quinden' Pasche annu regni D<sup>ni</sup> Re-  
gis nunc 22 usque ad diem affirmacionis  
Iudicii p<sup>ro</sup>dia' in d<sup>eo</sup> brevi specificat' at-  
tingunt ad 40l. Et Jur' p<sup>ro</sup>dia' super Sa-  
cram' suum p<sup>ro</sup>dia' ulterius dic' q<sup>uo</sup>d M. B.  
in d<sup>eo</sup> brevi nominat' non sustinuit aliquod  
dampnu' occasione alicujus vasti in eisdem  
ten'tis cum p<sup>ro</sup>tin' ad aliquod tempus post  
reddicon' Iudicii p<sup>ro</sup>dia' usque affirmation'  
ejusdem ad noticiam Jur' p<sup>ro</sup>dia' In cu-  
jus rei testimonium tam ego p<sup>re</sup>fat' Dic'  
qm' Jur' p<sup>ro</sup>dia' sigilla nostra apposuimus  
alter-

Ban. Reg. alternatim die & anno supradicta, &c. Vide  
 Thes. Brev. 149.

Inquiry of Damages in Replevin after Judgment  
 upon Demurrer by Original.

Executio istius brevis patet in quadam  
 Inquisitione huic brevi annexa.

ff. Inquisitio indentat' capt' apud le  
 Red Lion in B. in Com' p'dicta die martis 10  
 die Martii anno regni Dni Car' 2 Regis  
 Fidei Defens'. &c. 31 coram me A. B.  
 Ar' Vic' Com' p'dicta virtute brevis dei  
 Dni Regis mihi directa & huic Inquisitioni  
 annexa per Sacram' D. E. (&c.) p'boz &  
 legalium hominu' de balliva mea qui qui-  
 dem Jur' onerat' & jurat' existend' die su-  
 per Sacram' suu' qd J. W. in brevi p'dicta  
 menconat' sustinuit dampna occasione captionis  
 & injuste detencionis averioru' ipsius J. W.  
 in eodem brevi menconat' per ipsos ff. &  
 H. in dicto brevi s'citer nominat' ultra mis-  
 & custag' sua p' ipsum circa sextam suam in ea  
 parte appoit' ad 40s. & p' mis & custag'  
 suis p'dicta ad 20s. In cujus rei Testimo-  
 nium, &c. Vide Thes. Brev. 153.

See the late Act for Amendment of the Law,  
 whereby the Tenant or Defendant, or Plaintiff  
 in Replevin, may have Leave to plead as many se-  
 veral Matters thereto, as he shall think necessary  
 for his Defence, and the Court may give Costs  
 at Discretion for Insufficiency thereof upon a De-  
 murrer joyn'd.

Inquis



Ban.Reg.

Inquisitio indentat' capt' apud S. in Com.  
p'd 2 die Dec' ann' regni Dni Car' 2. &c.  
Reg' Fidei defensoris, &c. decimo octavo  
coram me W. L. Mil' Vic' Com' p'dia  
virtute isti' brevis mihi direct' & huic In-  
quisitoni annex' p' Sacram' E. B. W. B.  
&c. p'boz' & legalium hominum de balliba  
mea qui Jurati & onerati super Sacram'  
suum dicunt q'd S. G. pater in dicto brevi  
nominat' Nichil habet die obiti sui in bal-  
liba mea.

Inquisit'  
de quibus  
terris pa-  
ter obit  
seisir'.

T. B. Ar. Vic'.

Inquisitio super Utlag'. Clift. 417.

Aliter super Utlag' de denariis in manib'  
bus debitoris. Ibid.

Inquisitio & Judic' inde. Id. 223, 224,  
422.

Sur Inquir' Die Retornd q'd Venire fac  
Jur' quon' A. & B. recusaverunt jurari  
per quod non potuit exequi breve Inquir'  
de Robo & Attach' p' contempt' vers' A.  
& B. agard. Mo. 64.

Inquisitio de Lunacia. Ley 45.

De Epynis non signat' in Esturia in  
quam mare fluit. 7 Co. 15.

De uno submerso per remigacionem sub  
ponte London. Ry. 676.

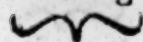
De Felonia de se. Rast. 609. Plo. 255.

De bonis Felonum, &c. Co. Ent. 536.  
For Inquisitions upon Murder, Felony, &c. see  
Wilkinson's Office of Coroners and Sheriffs, in  
the Office of Coroner; and also see the Trea-  
tise intituled, *Officium Clerici Pacis*.

And see Inquisitio coram Coronato de  
morte viri. Rast. 363. bis.

Simie

Ban.Reg.



Simile de Felonia de se. Id. 609. Plow.

255.

Inquisition Retorn'd in Cas. 1 Mod. Int. 55.

Simile in Cas. 1 Sand. 270. 2 Saund. 153.

Simile in Covenant, Inquiry agard Retorn'd  
& Judic'.Simile sur Stat' de Hue & Cry. 2 Saund.  
378.Sur fieri fac', Scire fac' & Inquir' &  
Devastabit Retorn'd. 1 Saund. 305.Upon the Statute 17 Car. 2. chap. 7. for the  
Avowant upon a Demurrer, an Inquiry of the  
Value of the Distress, and Judgment thereupon.  
1 Saund. 195.The like of Monies Arrear, and of the Va-  
lue of the Distress and Judgment thereon. 2  
Saund. 69.Simile in trans' sur Demurrer. 1 Saund.  
342.Inquisition retorn'd against Tertenants after  
an *Elegit* upon a *Scire facias*, and *Testat. inde Bro.*  
*Met.* 290.1. Of an Inquisition finding that the Money  
was paid according to the Condition in the Deed.  
1 *Lut.* 840.2. The Tenor of an Inquisition found upon  
an Indictment of Treason, and an Outlawry  
thereupon. 2 *Lut.* 996.3. The like of an Inquisition by Commission-  
ers, upon the Oath of an Inquest concerning  
the Office of the *Marshal* of the *Queen's Bench.*  
*Bro. Red.* 375.The Form of which three last Inquisitions are  
as followeth, viz.(1.) In an Action of Entry, upon a *Proviso*  
in a Deed of Bargain and Sale, to determine and  
make

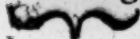
make void the Deed upon payment of 30 s. It Ban.Reg.  
 is alledged, that the Demandant paid the said  
 30 s. and the said Payment found by Inquisition as  
 follows. Posteaq; per quendam Inquisito-  
 nem capt' apud Guibald' Civit' London'  
 pdia' scituat' in Paroch' Scti L. in bet' J.  
 in Warda de Cheap ejusdem Civit' Lond'  
 19 die Maii anno regni dñe Dñe Regine  
 nunc 33 supradicto coram C. M. Mil' M.  
 D. C. O. Ar' & C. A. Commonar' dñe  
 Dñe Regine virtute Commissionis ejusdem  
 Dñe Regine eisdem tribus vel duobus cor-  
 direct' p Sacram P. S. &c. pboz & lega-  
 lium homin' Civit' pdia' compertum fuit  
 quod pdia' G. H. in ppz' persona sua p-  
 dia' 27 die Iam anno 33 supradicto in pdia'  
 Ecclesia Paroch' Scti D. in le West in Fleet-  
 Street in Suburbiis London' deliberavit &  
 solvit pfat' J. B. pdia' 30 s. in plenam  
 pformacionem & complementum Condicio-  
 nis in pdia' Indentura int' ipm G. & p-  
 fat' J. B. fact' content' secund' formam &  
 effem' Condicion' pdia' put per Inquisito-  
 nem pñ per eisdem Commonar' in Cur'  
 Canc' pdia' Retorn' & in Filaciis ejusdem  
 Canc' apud W. pdia' de recordo residend'  
 plenius liquet & apparet, &c. 1 Lut. 840.

Pasch. 10 Williel. tertii Regis, upon a Plea to the  
 following Inquisition.

(2.) Inquisitio ind' capt' apud Castru' E.  
 in Com' E. pdia' 20 die Dec' anno regni  
 Domini nostri & Dñe nostre Mill' & Marie  
 Dei gra Angl' Scoc' Franc' & Hibnie Re-  
 gis & Rñe fidei defens, &c. secund' coram  
 nobis C. B. Ar' J. S. G. F. & J. C. Iud'  
 dat'



Ban.Reg



dat' apud Westm' 23 die Octob' jam ult'  
 preterit' nobis aut aliquibus tribus vel  
 plur' in eadē Com'ion nominat' & direct'  
 & huic Inquisitōni annex' ad inquirend' ex  
 parte dia' Regis & Regine de quibusdā  
 Articulis & Circumstanc' in eadem Com'  
 missione content' & specificat' per Sacram  
 J. B. Gen E. B. J. W. G. D. G. B. R.  
 S. M. G. M. C. M. F. J. S. S. S.  
 S. R. & C. F. pboy & legalium hominū  
 Com' p'dia' qui onerat' de & super premis  
 dic' quod R. S. Nil' in Com'ion p'dia'  
 nominat' die perpetracōe alte Prodiciōe  
 in eadem Com'issionē specificat' scilicet  
 primo die Maii anno regni eorundem Re-  
 gis & Regine primo scit' fuit in D'isco sua  
 ut de feodo de & in un' Messuag' & de &  
 in un' firmar' Anglice Farmhold cum p'  
 riū modo vel nuper in occupacōe L. A.  
 vel M'ign' suoz clari annui valoris in  
 omnibus Erit' ultra reppis' 64l. 3s. 4d.  
 (and so several other Messuages and Farmholds  
 are found) Que quidem Messuag' firmar'  
 Cottag' & cetera omnia premissa cum om-  
 nibus suis pertiū scituat' jacent' & existē  
 sunt infra Maner' Dominic' Villam libe  
 Paroch' de Catterac' alias Catterick in  
 Com' Ebor' p'dia' (and so of other Lands, &c.)  
 Et ideo Nos p'fat' Com'issionar' Maner'  
 Dominic' Messuag' tēta firmar' Decimas  
 Cottag' Parc' & omnia & singula cetera pre-  
 missa cum omnibus suis p'tiū in man' eoz  
 dia' Dñi Regis & Dñe Regine cepimus &  
 scilari fecimus put per Com'issionē p'dia'  
 precipitur In cujus rei testimonium uni  
 parti hujus Inquisit' indentat' penes nos  
 Com'issionar' p'di remanend' ac per nos Ba-  
 ron' de Sctio dia' Dñi Regis & Dñe Re-  
 gine

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gine mittendi & certificandi tam Jur' pre- Ban. Reg.  
 dia' manus & sigilla pred apposuer' qm  
 nos p'fat' Comissionar' manus & sigilla no-  
 stra apposuimus Alteri vero parti hujus  
 Inquisition' penes p'imar' Jurato' p'dia'  
 remanend' nos p'fat' Comissionar' manus &  
 sigilla nostra apposuimus die & loco supi-  
 us mentionat', &c. 2 Lut. 996.

Vide Inquisitionem coram Comissionar' de  
 qualibus bonis Felo de se obit possess'.  
 Rast. 609.

Inquisitio del Office de Marshal del Bank le Roy.

(3.) Midd' ff. Inquisitio indentat' capr'  
 apud Paroch' S'ci Clementis Dacozum in  
 Com' p'dia' 16 die Junii anno regni Jac'  
 2 nunc Regis Angl', &c. Secund' coram J.  
 C. R. C. & J. B. Gen' Comissionar' ejus-  
 dem Domini Regis sub magno sigillo sua  
 sigillat' gered' Dat' apud Westm' 8 die in-  
 stantis Junii eis in eadem Commissione  
 nominat' direct' ad inquirend' ex parte d'ei  
 D'ni Regis de & sup quibusda' Articulis re-  
 bus & Circumstanciis annex' p' Sacram  
 C. H. J. B. &c. probon' & legalium ho-  
 min' Com' p'dia' qui jurat' & onerat' die  
 super Sacram suum qd' Officium Cur'  
 Mar' Maresc' Cur' D'ni Regis coram ipso  
 Rege in eadem Commission' specificat' est  
 necnon de tempore cujus contr' memoria  
 homin' non existit fuit Antiquum Offici-  
 um Qd' Mar' Maresc' p'dia' est ac p' totu-  
 tum tempus p'dia' fuit Antiquus Officiar'  
 qui a tempore cujus contr' memoria ho-  
 min' non existit rone Officii sui p'dia' fuit  
 Custos Prisonar' Marescallie p'di per dia'  
 Cur'



Ban. Reg.

**W** Cur' Commiss' ac usus fuit consuevit & debuit assidue attendere in p'dicta Cur' ad negotia & servitia Om'e ill' incumbend' & p'rinend' faciend' & exequend' Q'dq' p'dicta Om'cium Mar' Marese p'dicta tam in separal' respectibus p'dicta qm in separal' al' respectibus administratō & executō Judic' tangit & concernit & p' totum tempus p'dicta tan- gebat & concernebat ac ideo Om'e ill' expert' discret' & honest' virum ad Om'e ill' exe- quend' requirit Q'dq' diu ante emanatōm Commission' p'dicta scilicet 9 die Aug' anno regni Dñi Car' secund' nup' Regis Angl' Et. 23 quidam W. L. Ar' fuit de p'dicta Om'e Mar' Marese Dñi Regis corā ipso Rege seit' in Dinco suo ut de feodo & jure Et sic inde seit' existend' idem W. L. postea & ante emanatōm Commission' p'dicta scilicet eodem 9 die Aug' anno regni dñi Dñi Car' secund' nuper Regis Angl' Et. 23 supradicta apud W. in Com' p'dicta per quoddam scdm suum sigillo ipsius W. L. sigillat' concessit Om'cium p'dicta cuidam E. N. Mil' ac separal' al' p'son' Jur' p'dicta ignot' hendi eidem E. N. & eisdem al' personis & hered' suis imppetuum virtute cujus quidem Concessiō idem E. N. ac eodem p'son' fuer' de Om'cia p'dicta seit' in Dinco suo ut de feodo & jure Q'dq' p'dicta E. N. & p'dicta al' p'son' vel aliquis eor' vel aliqua alia persona per ipsos sive eor' aliquos assignat' sive deputat' ad aliquod tempus post confectiōm Concessiōm p'dicta huc usq' non intromiser' nec eor' aliquis in- tromisit in executōe Om'e ill' nec susce- per' in se nec eorum aliquis in se suscepit executōem & exercitium p'dicta Om'e Mar' Marese Regis corā ipso Reg' nec ali- qualiter deserviver' seu attendebant nec eorum



eorum aliquis deservibit seu attendebat in Ban. Reg.  
 eodem Officio, nec Offic' pdia' exercuer'  
 nec eorum aliquis exercuit sed per totum  
 idem tempus ab eodem Officio seipsos ab-  
 sentaver' & elongaver' ac exercitium & ex-  
 ecutionem Officii pdia' ac ad omnia & singula  
 negotia & servitia eidem Officio Mar' Ma-  
 resc' pdia' incumben' faciend' & exequend' p  
 totum idem tempus pdia' voluntarie re-  
 liquer' omiser' & penitus neglexer' Et Jur'  
 p'ed' ulterius dicunt super Sacram suum  
 p'ed' Qd Concessio pdia' p ipm W. L. in  
 forma pdia' facta' existen' mie facta' cum  
 Assensu vel noticia pdia' Cur' dei Dnd  
 Regis Car' 2 coram ipso Rege teni' sed a  
 noticia Cur' ill' concealat' & secret' existen'  
 pdia' W. L. non obstante pdia' concessione  
 & assignatione Officii pdia' in fraudem Cur'  
 pdia' pretendens seipm fore seir' de Of-  
 ficio pdia' de tempore in tempus post pdia'  
 non diem Aug' anno 23 supradia' apud W.  
 pd' suscepit Officium pdia' Et reddit' Exit'  
 & proficua inde habuit & recepit & in us-  
 um suum prop' convertit & disposuit Ac  
 si idem W. L. fuit & continuabit seir' de  
 eodem Officio in Dinto suo ut de Feodo &  
 iure P'ed' C. R. ac pd' al' person' qui-  
 bus concessio pdia' p ipm W. L. in forma  
 pdia' facta' fuit negligentes exercere Offic'  
 pdia' ac attendentiam suam pro exercitio &  
 executione Officii p'ed' dare omittentes  
 postea & ante emanacione Commission' pdia'  
 scilicet 26 die Novemb' anno regni dei Dnd  
 Car' 2 nuper Regis Angl', &c. 28 apud W.  
 pdia' quidam J. C. Gen' qui adhuc sup-  
 ses & in plena vita existit in Officium  
 Mar' Maresc' pdia' sub ipso p'ed' W. L.  
 in Com' pdia' in decepcon' ejusde' Cur' co-  
 ram

**Ban. Reg.** ram ipso Rege admisit & jurat fuit pre-  
 text' cujusdam Concession' inde eidem J.  
 C. p. p. d. W. L. adtunc & ibidem fact' p.  
 Termino vite ipsius J. C. sub quodam  
 annuali reddit' 1400. p. ipm J. C. ei-  
 dem W. L. p. inde solvend' duran' Termi-  
 no ill' ac Execucion' Officii ill' adtunc &  
 ibidem de facto super se suscepit ac Of-  
 ficiu' p. dicit' abinde usq' 26 diem Octob.  
 anno regni d. d. n. Car' 2 nup. Regis  
 Angl', &c. 33 habuit & exercuit. Then  
 sets forth several Judgments against Defendants  
 upon Actions of Debt, &c. and their Commit-  
 ment to the Custody of the Marshal J. C. in Ex-  
 ecution, and that the said J. C. suffered them to  
 escape; and thereupon the Plaintiffs bringing  
 their Action of Debt against L. as superior, he  
 pleaded *non detinuit*, and upon the Trial pro-  
 duced the Deed of Grant of the Office to the  
 said E. N. &c. whereupon the Plaintiffs could  
 not proceed, but were defrauded of the Bene-  
 fit of their Suit, &c. That afterwards J. C. left  
 the Office, and one H. G. was admitted and  
 sworn therein, under the Grant to J. C. with  
 the Assent of the said W. L. and afterwards neg-  
 lected to attend the Court, but suffered several E-  
 scapes, contrary to the Duty of his Office, and  
 of the Trust in him reposed. *In cujus rei Testi-  
 monium, &c. Brownl. Redivivus 375, &c.*

**Vide Inquisitionem coram Commissionar'**  
**de testis devenient' Regi p. Attincuram. Rast.**  
 Ent. 634. Co. Ent. 423. bis. 426. Pl. 479.

**Similes coram Escaetores, &c. 1 Co. 28.**  
 Co. Ent. 554. Keil. 192.

**Similes, on Writs and Commissions of diem**  
**clausit extremum. Rast. 391, 516, 529, 530. Co.**  
 Ent. 196, 479, 495, 500. 44. Aff. 35. Hern. 558.

Langui-

Languidus in Prifona, Retorn.

Ante adventum istius brevis mihi directi infranominat' A. B. capt' & arrestat' fuit per me subscript' Die tam virtute separa' brevium dei Dni Regis de capias super separa' Statut' Scaput ac virtute separa' al' brevium dei Dni Regis & Prifone dei Dni Regis sive Gaole sue de M. in Com' meo infrascript' sub Custodia mea per me eundem Die' super brevi predicta' in Executione Commission' cujus quidem A. B. corpus tam ad separa' retor' & predicta' separa' brev' quam postea hucusq; in Gaola predicta' remansit & adhuc remanet in Executione Languid' & infirm' Et sic in Prifona predicta' existens virtute istius brevis corpus ipsius A. etiam cepi & arrestavi sed corpus ejus adhuc adeo Languid' est & tant' infirmitat' cruciat' sub Custodia mea Ita qd corpus ejus coram Dno Rege infrascript' ad diem & locum infracontent' absque mortis periculo habere non possum.

R. E. Mil. Vic'.

Vide ante Habeas Corpus, & vide Capias, Offic. Brev. 221.

Languidus in Prifona super reddidit se.

¶ Virtute istius brevis mihi directi ad Comitatum meum ibidem tentum die & anno, &c. infrascript' infranominat' J. B. & ceteri defendentes quarto exati fuerunt & non comperuerunt Et ad Comitatum meum ibidem tentum die & anno, &c. predicta' J. B. comperuit & reddidit se Prifone Dni Regis



Ban. Reg. *gis* Castri sui Winton' p'dia' Et in eadem Prisona remanet Languidus variis infirmitatib' detent' Ita quod propter Corp'is sui debilitatem & mortis periculum laborare sive carriari non potest per quod Corpus p'dia' J. B. coram Justic' infra script' ad diem & locum infracontent' ad p'sens habere non possum juxta formam hujus brevis Et infranominat' A. B. & C. D. quinto exacti fuerunt & non comperuerunt Et quia ad nullum eorumdem Comit' comperuerunt p'dia' A. B. & C. D. per Iudicium, &c. Offic. Brev. 198. R. P. Ar. Vic'.

### Levari Facias.

And note, a *Levari facias* is only to be levied upon the Profits of the Lands and Tenements, and upon the Goods of him that hath forfeited a Recognizance, &c. *Reg. Orig.* 298. 300. But he cannot seize the Land, and deliver that to the Party by this Writ. *Plowd.* 441. And this ought to be sued within the Year after the Day of the Payment to be made by the Recognizance, or after the Judgment, for after the Year the Conusee, or Plaintiff, is by the Statute of *West 2. chap. 45.* to have a *Scire facias*, &c. *Vide Greenw.* 207.

*ff. C. ff. infra script' nulla het bona seu catalla in balliva mea de quibus denar' infra script' aut aliquam parcelle inde lebare possum put interius mihi p'cepitur.*

Aliter.

Aliter.

**Virtute, &c.** Cepi in manus Dñi Regis quoddam Hospitium cum tribus thopis in (tali loco) ipsius J. T. infra scripti que valent p annum ultra reppis' 10l. Et qđ pđict' Hospitium cum thopis pđict' salvo custod donec aliud a vobis habeo in mandatum. Reg. 300. Tit. 28. Fitz. 266. vide Dalt. 260.

*Note,* That upon a *Levari facias*, if the Sheriff returneth that he hath levied 10l. of the Sum, &c. the which he hath delivered to the Party, &c. this is said to be a good Retorn, and hereupon the Party may sue a *sicut alias levari facias*, directed to the Sheriff to levy the Residue. Fitz. 245.

See further of *Levari Facias's*, before, inter the Returns of Chancery and Exchequer.

## Liberate.

*Vide ante in Canc'.*

This Writ is taken in divers Manners. As 1. A Writ to the Sheriff to deliver Lands, or Goods, taken upon the Forfeiture of a Recognizance, of which in this Place.

2. As a Warrant to the Treasurer, and others of the *Exchequer*, for the Payment of any annual Pension, &c.

3. As a Warrant to a Gaoler to deliver a Prisoner, &c. *Terms del Ley & Cowel's Interp'.*

Ban. Reg.

Wirtute istius brevis (tali die & anno)  
 Liberavi L. S. infrañoiat' Manerium in-  
 fraspes cum pertiñ tenend' sibi & Assign  
 suis ut libum tenum suum quousq; sibi  
 de debito infrascript' unacum dampnis mis  
 & expensis que in hac parte rationabiliter  
 sustinuit plenar' satisfact' fuerit per istud  
 breve in se exigit & requirit. J. S. in-  
 frañoiat' non est invent' in balliva mea.  
 Libr. Intr. 589. Dalton 261.

Retorn. brevis de Liberate sur Statut. Merchant,  
 secund. Brev. Judic. 258.

Wirtute istius brevis mihi direct' Di-  
 miss' infrascript' vendidi p sum 10l. Et  
 denar' ill' habeo coram Justic' infrascript'  
 ad diem & locum infrascript' ad reddend'  
 infrañoiat' E. W. in part' satisfactiō  
 debi sui infrascript' Accciam wirtute bre-  
 vis p'dict' terras & ten'ta in forma infra-  
 script' extendit' (tali die, &c.) deliberavi  
 p'fatar' E. W. tenend' ut liberum tenum  
 suum sibi & Assign' suis secund' form' Sta-  
 tut' infrascript' p'out interius mihi p'ci-  
 pitur.

Retorn. de Liberate sur Elegit, where the Writ  
 was not fully executed. Brev. Judic. 258.

Retorn. Liberate post Extent. super Obl' Stat.  
 Stapul'.

Wirtute, &c. liberavi infrañoiat' B. S.  
 Maneria terras & ten'ta infrascript' hendi  
 sibi & assign' suis quousq; sibi de debito in-  
 frascript' unacum dampnis miss' & expen-  
 sis



his suis plenarie fuerit satisfact' put, &c. Ban. Reg.  
Vide Compl. Sheriff 264.

## Libertie.

**J. D.** infrañoiat' fuit ad Libertat' **J.**  
**E. Ar'** & continue ibidem moratur adeo  
ut ipm Capere non possum. Kitch. 258.

## Mandamus.

(1.) **De Mandamus pro restitucione Bur-**  
**gens' amot'.** 11 Co. 94 simile Thes. Br. 159.

(2.) The Answer of the Chancellor of Che-  
ster to a *Mandamus*, to the *Spiritual Court*, to  
swear a Church-warden elected by the Parishion-  
ers according to Custom, &c. 2 Lut. 1011.

(3.) The like to a *Mandamus*, to restore an  
Attorney of *Chester* to his Place there. *Idem*,  
1014.

(4.) The like to admit one to the Office of  
a Mayor of a Corporation. *Thes. Brev.* 159.

The several Retorns whereof are as follows.

(1.) Upon a *Mandamus* to restore one *James*  
*Bagge* a Burgess, &c.

Executio istius brevis patet in quadam  
Schedul' huic brevi annex'. **J. C. Ma-**  
**joz'.**

Responsio Majoris & Coitatis Burgi de  
**P.** ad breve huic Schedul' annex' se-  
cund' Exigenc' brevis pdia'.

**Dño Reg** humillime certificamus qđ **Dña**  
**Eliz.** nuper Regina Angl' per Literas suas

Ban. Reg.

Paten' magno sigillo suo Angl' sigillat'  
 gerem dat' apud Westm 28 die Febz' anno  
 regni sui 43 p se hered' & successoribus  
 suis concessit Majori & Comunitat' Bur-  
 gi de P. pd & successoribus suis int' al' Qd  
 Major & Recordator Burgi pdict' p ted  
 existen' durante quo ipsi in Officiis suis  
 fore contigerint & ulterius Predecessor' pre-  
 fat' Majoris adtunc supstes p ted existi' &  
 Successor' sui forent Justiciarii ejusdem  
 nuper Rne & Hered' & Successor' suorum ad  
 pacem in eodem Burgo & infra Limites p-  
 cinct' & Libertates ejusdem conservand' &  
 custodiend' & conservare & custodire faci-  
 end' absq' alio mandato Commessione libe-  
 ramento pinde hendi libe obtinend' Et ul-  
 terius deo Dño Regi certificamus Qd in-  
 fra Burgum pdict' talis habet' & de ted  
 cujus contr' mem' hominum non existit  
 habebat' usus & Consuetudo qd Major &  
 duodecim Capit' Burgens' Burgi ill' ex-  
 titerunt & fuer' de privato Concilio Burgi  
 pdict' Et viginti quatuor de aliis discre-  
 tionibus Burgensibus Burgi pdict' pro ted  
 existen' ad hoc elect' & jurat' extiterunt &  
 fuer' simulcum pdict' Major & 12 Capital'  
 Burgens' de eod' Concilio Burgi pdict' p  
 melioze regimine & gubernatione Et quod  
 quilibet talis Burgens' qui in Societat'  
 pdict' 24 Burgens' de eod' Concilio pdict'  
 electus fuerit anteqm ad eandem Societat'  
 admissus fuerit Sacram pstatet corporale  
 cum Major Burgi ill' p ted existend' Qd  
 ipse bene & honeste se gereret tam erga  
 Majorem Burgi pd' p ted existen' qm erga  
 pfat' 12 Capit' Burg' Burgi ill' p ted existi' &  
 eis de ted in tempus reverentiam prestaret  
 Et quod manuteneret & sustentaret Liber-  
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tates ad Coem utilitatem Burgi pdia' Ban.Reg.  
 optimo consilio & addicamento suo Et ul-  
 terius certificamus quod quilibet pdia' 12  
 Capit' Burgens' de ted in tempus elect'  
 & pfect' fuerit p Majore Burgi pdia' &  
 resid' pdia' 12 Capital' Burgens' vel p ma-  
 jorem partem eorum p ted existend  
 tantum sine consensu vel assensu pd 24 al  
 Burgens' qui sunt ut pfect' de Com Conci-  
 lio Burgi pdia' ad hoc requisit' Et ulte-  
 rius certificamus Qd, &c. And so set forth,  
 that the said J. B. 1 Maii anno 32 Eliz. was  
 elected one of the 24. and took the Oath ac-  
 cordingly. And further, that afterwards the said  
 J. B. not regarding his Oath, nor the Authori-  
 ty of the Mayor, &c. but endeavouring to bring  
 them into Contempt, &c. 1 Maii anno 6 Jac.  
 1. he then being one of the Common Council,  
 and one of the Chief Burgesses, in the Presence  
 of R. T. then Mayor, and many others, behaved  
 himself contemptuously towards the said Mayor,  
 and then said to him, You are some Prince, are  
 you not? And afterwards at another Time ann.  
 7 Reg. said to the said R. T. then being a Ju-  
 stice of Peace, openly falsly and scandalously said  
 of him, *You are a Cozening Knave*: And after-  
 wards anno 7 prae. incited one T. S. one of  
 the Capital Burgesses, to join himself in Conspi-  
 racy with the said J. B. to depose one J. B.  
 then Mayor, and said these scandalous Words of  
 him, viz. *Master Mayor carrieth himself foolishly  
 in his Place, and if you will join with me, we  
 will turn him out of his Mayoralty, and choose a  
 wise Man in his place*: And afterwards anno  
 8 Regis openly said of and to one T. F. then  
 Mayor, viz. *Thou art an insolent Fellow*. And  
 afterwards anno 9 Regis, openly spoke many con-  
 temptu-

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Ban. Reg. temptuous Words of and to the said *T. F.* being then Mayor; and the said *T. F.* then mildly admonishing him to desist, he the said *J. B.* uncivilly turn'd his Posteriors toward the said Mayor, and said to him *Come and Kiss, &c.* And afterwards at another Time threatening said to the said *T. F.* then Mayor, viz. *I will make thy Neck crack.* That afterwards in the 12th Year of the King, an Order of friendly Admonition was made by one *J. S.* then Mayor as follows, viz. *Nono die Maii Anno Dom. 1614.* The Day and Year above written, It was agreed by *J. S.* Mayor, and such other of the Masters hereunder written, being assembled in the Council-Chamber at *Plimouth*, That if Mr. *J. B.* the Elder, do not, before the next Sessions to be holden within the Borough of *Plimouth*, reconcile himself to the said Mayor and his Brethren for such Wrongs as he hath committed against them, and withal faithfully promise to demean himself more orderly and temperately for the Time to come, That then he shall be clean removed from the Bench, and a new Master chosen in his Room: Then shew that *J. B.* made no such Reconciliation: But that in *anno 12 Regis*, he contumeliously, &c. in the Presence of the then Mayor, publickly said of *J. S.* viz. *You are a Knave:* And then they set forth several other of his Sayings, at several other Times, and upon several Occasions, as upon an Order of the King and Council, That Inn-keepers, and Keepers of Ordinary-Tables, and Alehouse-keepers, should be bound by Obligation not to dress Flesh, *tempore Quadragesimæ tunc prox' futur'*, and that the Mayor acting pursuant to the said Ordinance, the said *J. B.* publickly said, *Master Mayor doth more herein than he need, and more than he can*  
well

*well answer.* And that at another Time he practised with one *W. B.* and *T. L.* Tavern-keepers, and Sellers of Wine, revealing the Secrets concerning the Utility of the Borough, and persuaded them to pay no further Custom of Wine-weight, saying, *You need not to pay the Money for the Wine-weight any longer, except you list, for it is not due unto them.* And this was to the great Prejudice of the Mayor and Commonalty. Et ulterius dco Dño Regi certificamus quod pdia' *J. B.* 1 die Maii anno Regis, &c. 12 & diversis al' diebus & vicibus tunc pantea apud *P. pdia'* pñdiose dixit diversis Inhabitibus Burgi pdia' & aliis Ligis dci Dñi Regis super communicacōe int' eos & pñfat' *J.* tunc pñhabit' de & super Libertatibus & Privilegiis Burgi pdia' Qd ipse idem *J. B.* subverteret & evacualet Cartam Anglice the Charter Burgi pdia' innuendo Cartam pdi p pñfat' nuper Reginam Eliz. pñfat' Majori & Comitatu' ut pñfert' concess' Et quod ipse idem *J.* Libertates & Privilegia Burgi pdia' altercaret Anglice would call in Question & eadem Privilegia & libertates subverteret Et ulterius dco Dño Regi certificamus quod postea scilicet 17 die Aprilis jam ult' pñterit' pdia' *J. B.* in dco hñbi nominat' ex causis pdia' p Majorem & Comitatu' Burgi pdia' ab Officio un' Capital' Burgens & Magistratu' Burgi pñdia' amotus fuit.

Ban.Reg.

9.

10.

J. Cl. Mayor.

*Note,* Upon the whole Matter and Causes afore-said, It was resolved by the Court, that there was not any just Cause to amove him, and therefore

Ban.Reg. fore a Writ was directed to the Mayor and Commonalty to restore him.

1. And it is observed, That as to the first Words, *You are some Prince, are you not?* That such Words are to be reprehended, but are no Cause to disfranchise him.

2. As to the second, *You are a Cozening Knave*, That they are contemptuous, and deserve Punishment, *scilicet*, to be bound to his Good Behaviour, if they were published when the Mayor was sitting in the Execution of his Office, but they are not Causes to disfranchise the Delinquent.

3. *Master Mayor carrieth himself foolishly in his Place, &c.* That these are no Cause to disfranchise him.

4. *Thou art an insolent Fellow*, (ut supra.)

5. *Come Kifs, &c.* That these are contrary to good Manners, and worthy of Punishment, as afore-said, but no Cause of Disfranchizement.

6. *I will make thy Neck crack*, (ut supra.)

That the Ordinance of amicable Admonition is repugnant to the Retorn alledged.

7. As to the Words, *You are Knave*, (ut supra.)

8. *Master Mayor doth more herein than he need, &c.* no Cause of Disfranchizement.

9. The Words touching the Custom of Wine-weight are too general, and only spoken as his Opinion.

10. There might be some Cause that he might well justifie these Words concerning the Charter.

Also it was resolved, That an Endeavouring only without an Act done, is no Cause. 1. For in such Cases *voluntas non reputat' pro facto*, and that a Contempt is not a sufficient Cause.

2. That if they have just Cause to remove, yet if it appear by the Retorn, that they proceed against the Party without hearing him answer to what was objected, or that he was not reason-

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reasonably warn'd, such Amoving is void, and shall not bind the Party. Ban.Reg.

3. That if they have Power by Charter or Prescription, and do disfranchise one, and afterwards upon the *Mandamus*, they certify sufficient Cause to remove him, but it is false, that then the Court cannot award a Writ to restore him, nor any Issue can be taken thereon, because the Parties are Strangers and have no Day in Court: But the Party grieved may well bring an Action upon the Special Matter against them who made the Certificate, and aver it to be false; and if it be found for him, and he obtain Judgment against them, so that it may appear to the Justices that the Causes of the Retorn are false, then they award a Writ of Restitution, &c.

Also it was resolved, that such a Retorn of Disfranchizement ought to be certain, so that sufficient Matter may appear to the Court to disfranchise the Party, and the rather for that the Party cannot have Answer to it, as aforesaid. 11 Co. 94, &c.

In this Case it was said, That the Cause of a Disfranchizement ought to be founded upon some Act against the Duty of a Citizen or Burges, and to the Prejudice of the Weal publick of the City or Borough; and if also against his Oath, that much enforces the Cause of his Amotion.

That if the Corporation have Power by Charter or Prescription to amove upon reasonable Cause, it shall be *per legem terre*, but if they have not Power, he ought to be convicted *per judicium parum suorum*, &c. as if any Citizen or Freeman be attainted of Forgery or Perjury, or Conspiracy, at the Suit of the King, or of any other Crime, by which he is become infamous, upon such Attainder they may remove him; so if he be convicted of any such Offence, which is

**Ban.Reg.** against the Duty and Trust of his Freedom, and to the publick Prejudice of the City, &c. of which he is free, and against his Oath; as if he hath burnt or defac'd the Charters, or Evidences of the said City or Borough, or rased or corrupted them, and be thereof convicted and attainted, these, it is said, and such like, are good Causes to remove him.

That in *Thes. Brev.* 159. it was for a Breach of Trust, in not accounting for Perquisites and Profits upon a Lease granted to him in Trust, for the Use of the Corporation, &c.

Upon the *Mandamus* to swear a Church-warden elected by the Parishioners, &c. The Answer of the Chancellor of *Chester*.

**Dño Regi** infrascript' humillime certifico qđ infrascript' S. G. non fuit elect' & pfect' ad locum & officium unđ Gardian' Eccle Parochial' Sđi Petri infra Civit' Cestr' infra mencionat' Et ea de causa Sacram quod Gardian' Eccle Parochial' pđict' hactenus prestare consuevit non administrabi nec ministrare possđ Neq; pđict' S. G. in pđict' locum & officium unđ Gardian' Eccle Parochial' pđict' admisione admittere possū. 2 Lut. 1012.

*Note,* An Action of the Case was brought against the Chancellor, upon the Retorn aforesaid, drawn by Serjeant *Pollexfen* and *Holt*.

Upon

Upon a *Mandamus* to restore an Attorney of  
Chester to his Place.

Serenissimo Dño Regi humillime certifi-  
co qđ Cur' Scacc Dñi Regis Com Pal in  
Cestr' est antiqua Cur' de Accoꝝs Qđq̃ dca  
Cur' a tempore cujus contrar' mem homin  
non exist' in absent' Camerar' ejusdem Com  
Pal & ejus Vice-Camerar' & Baron dñi  
Dñi Regis ejusdem Cur' tent' fuit & te-  
neri consuevit coram Deputat' Baron dñi  
Dñi Regis ejusdem Cur' Qđq̃ 26 die Sep-  
tembr' anno regni dñi Dñi Regis nunc 29  
S. P. in breve pdicta' nominat' tunc existē  
und Accoꝝd ejusdem Cur' ven' in eadem  
Cur' tunc tent' in Castro dñi Dñi Regis  
Cestr' coram W. S. Gen Deputat' J. W.  
Bar' adtunc Baron ejusdem Cur' existē  
in eadem Cur' judicialiter seden' Camera-  
rio ejusdem Com Pal Cestr' ejus Vice-ca-  
merar' & dñi Baron tunc absē existē &  
ipm W. S. in Olac adtunc & ibidem ex-  
ercend' p altam confabulationem suam cum  
quibusdam sibi adstantibus impedivit &  
disturbavit contra ipsius S. P. officii p-  
dicta' debitum & debitum eidem Cur' ab eo  
respectum super quo idem W. mandavit  
eidem S. fore silent' & quod ipse Cur' p-  
dicti ulterius disturbare desisset Et pđ S. P.  
confabulationem & disturbationem suam  
pdicta' mie desisset pdicta' W. S. ulterius  
pdicta' S. mandavit fore silent' sup quo  
idem S. P. eide W. S. in pñe & apert'  
Cur' pdicta' in pñe & auditu qm plur' Sec-  
tatoꝝ & Officiarioꝝ ejusdem Cur' contem-  
pnuose respondebat in his Anglicanis ver-  
bis sequen. viz. I care not a Straw for what  
you



Ban. Reg. you can do. Et ulterius in contemptu ipsius W. S. & dñe Cur' dñi Dñi Regis confabulationem suam pdia' alta voce & obstrepere continuabit & ipm W. S. in eadem Cur' ibidem judicialiter seden' adtunc & ibidem p eandem confabulationem ulterius disturbabit & in officio suo pdia' in eadem Cur' exercen' adtunc & ibidem impedibit super quo idem W. adtunc & ibidem in apert' Cur' pdia' ipm S. ab exercitio officii sui attornat' pdia' in eadem Cur' suspendi quousq; idem S. seipm Cur' pdia' submitteret & insolenc' suam agnosceret & veniam inde ab eadem Cur' pdia' peteret quod pdia' S. ad aliquod tempus hucusq; aliqualit' non petiit Et ulterius Dño Regi certifico quod pdia' S. a loco & Offic' suo in hzevi pdia' mentionat' aliter seu aliquo alio modo non amot' est nec unqm fuit p ipm Camerar'. 2 Lut. 1014. Vid. Vent. 331. Parker's Case, where this Retorn is held good.

Retorn. Mandamus ad Admittend. A. ad Officium Majoris vel causam significare.

¶ Executio istius hzevis patet in quadam Schedul' huic hzevi annex'.

Respons. C. L.

Ego C. L. Gen' serenissimo Dño Regi in Cur' ipsius Regis coram ipsa Rege humillime certifico quod ante advent' huius hzevis mihi pdia' C. L. direct' nec non ante emanationem ejusde hzevis scilicet 25 die Oct' anno regni Dñi nri Car' 2 Dei grā Angl' Scoc' Franc' & Hibnie Regis Fidet Defensor,

Defenso, &c. 35 Ego p̄dia' C. L. a loco Ban. Reg.  
 & officio Majoris Burgi de T. in Comd  
 G. p̄dia' fui amot' Et quidam W. A. de  
 Burgo p̄dia' Gen eodem 25 die Oct' anno  
 supradicto in loco & Officio Majoris Burgi  
 de T. in Comd p̄dia' fuit electus constitut'  
 admitts' & jurat' ac abinde hucusq; fuit &  
 adhuc est Major Burgi p̄dia' Et rōne  
 Officii sui a tempore constitutionis & Admissi  
 ſion ſue p̄dia' in Officium ill' hucusq; hu  
 iſſet & modo habuit in custodi ſua Cōe ſigil  
 lum Burgi de T. rōne cujus Ego p̄dia'  
 C. L. ipm p̄dia' A. ſecund' Exigenc' bre  
 vis p̄d' jurare ſeu reſtituere non potui.  
 Vide Theſ. Brev. 159.

## Mandavi Ballivo.

Vide ante Capias ad respondend. &c.

ff. Virtute iſtius brevis mihi direct'  
 Mandavi J. D. Ballivo Libertatis T.  
 Ep̄d' C. ad capiend' & arreſtand' infrañoi  
 at' J. S. in ſorma infraſcript' qui plenum  
 habet Retorn' omnium brevium & p̄cept'  
 & executionem eorundem infra Libertat' p̄d'  
 qui quidem ballibus nullum mihi adhuc  
 dedit reſponſum.

Vel ſic: — Qui mihi reſpond' qd' in  
 frañoiat' J. S. non eſt inventus in bal  
 liba ſua.

Vel ſic: — Qd' cepit corpus infrañoi  
 at' J. S. cujus quidem corpus ad diem &  
 locū infracontent' parat' habet ad fac' ea

Ban.Reg. omnia que istud breve in se exigit & requirit.

Wilk. Lat. 133.

A. B. Ar. Vic'.

If the Bailiff make Retorn, it is said the Sheriff may make no other Retorn, but according to that which the Bailiff of the Liberty shall certify him. In Redisseisin and Waste, and such other Writs wherein the Sheriff is made Judge of the Cause, there the Sheriff must enter the Franchise and execute such Writs thereof, and may not retorn *Mandavi Ballivo*.

And it is noted, That wheresoever the Return of the Writ pertaineth to the Bailiff of a Liberty, yet if the Sheriff doth it himself it is well enough: But the Lord of the Liberty may have his Action on the Case against the Sheriff. *Finch. 52.* Therefore it is safest for the Sheriff to have a *Non omittas* before he enter. See these Things at large in *Dalt. chap. 39.*

Also it is said, that by the Statute of 27 H. 8. chap. 24. Amerciaments for insufficient Retorns of Writs made by Bailiffs of Liberties, shall be imposed upon such Bailiffs, and not upon the Sheriffs.

Aliter.

ff. Mandavi B. Ballivo Honoris de C. parcelle Ducat' Lancast' qui habet plenum Retorn omnium brevium & executiones eorundem infra Libertat' pdict' & cui executio brevis ill' totaliter restabat faciendū quod nulla executio inde in balliva mea extra Libertat' pd' p me fieri potuit, &c. Lib. Intr. 262. vide Brev. Judic. 262.



Aliter Ballivo Hundr. secund. Greenw. 223.

Pro executione hujus brevis mihi directa  
faciendū Mandavi Ballivo libertatis Hun-  
dr' de B. in Com' meo qui plenam habet  
Exec' omnium brev' Warrant' Mandat' &  
Preceptoꝝ exequendū infra Libertat' p'dia'  
& Retorn' eorū infra quam libertat' exe-  
cūō istius brevis totaliter restat faciendū  
Qui quidem ballivus scilicet J. W. Nil  
nullum mihi dedit respon'. If there be no  
Return or an insufficient Retorn.

But if he retorn that he hath taken the Body,  
then thus :

Qui mihi respondit Qd' Cepit corpus  
infrañoiat' C. D. cujus corpus coram  
Justic' interius mentionat' ad diem & lo-  
cum infracontent' parat' het put p' hoc bre-  
ve precipitur.

R. S. Ar. Vic'.

Mesne.

*Nihil habet Medius unde potest Summoniri.*

If the Sheriff retorn *Nihil habet*, &c. then  
shall issue forth an Attachment.

Ret' inde—*Nihil habet Medius per qd'*  
*potest Attachiari.*

C c 2

And

Ban.Reg. And if the Sheriff retorn *Nihil* upon the  
 ~~~~~ Attachment, then shall issue forth a grand Distress with a Proclamation.

Ret' inde.

Pleg de Pro } J. D.
 } R. R.

Sumonitores in } J. D.
 frañciat' J. S. } T. S.

Et ulterius vobis Justie respondeo qd
 in pleno Con' meo tenc' apud C. Ec. die,
 Ec. publice Proclam' feci quod p'dict' J.
 S. veniret coram Justie infrascript', Ec.
 si voluerit put per istud breve mihi p'eci-
 pitur, Ec.

Aliter upon the Grand Distress.

Medius Nihil habet per quod potest Di-
 stringi. Vide Dalt. 262. and Abridg. 166.

Note, This Writ of *Mesne* lieth where there is
 Lord, Mesne and Tenant, the Tenant holding of the
 Mesne, whereby the Mesne holdeth of the Lord,
 and the Tenant of the Mesne is distrained by the
 superior Lord, for that his Service or Rent which
 is due to the Mesne. *Fitz. N. B.* 135.

Nativo Habendo.

This Writ concerns Villeins, and Villeinage,
 now taken away.

Nihil retorn'd.

Vide ante per Tot'.

Retorn' hys si Def. sit incussus. *¶ J. D.*

¶ Pleg de pros.

¶ H. R.

Infranoiat' A. B. & C. D. Nihil habent *In Debt.*
in balliva mea per quod sum possunt, if it
be in Debt, or other Writ where the Summons
lieth.

Infranoiat' H. B. & C. D. nihil habent *In Tres-*
in balliva mea per quod Attachiari pos- *pass.*
sint, (or possit, if but one Defendant.)

And if there be more Defendants than two,
then name but one, viz. **Infranoiat' A. B.**
& ceteri Defendentes infranoiat' Nihil ha-
bent, &c.

Infranoiat' A. B. Nihil habet in terris *Sur Di-*
tentis **Hereditamentis infrascript' per qd** *stringas.*
ipsum Distringere possum.

Or thus:—**Nullum tale Manerium neq;**
ulla terr' sive tenta cognd p nomen de E.
jacent in Com C. unde Tenentes inde
Distringere possum put interius mihi pre-
cipitur.

Infranoiat' H. B. nulla habet bona seu *Sur Fieri*
catalla terr' aut tenta in balliva mea unde fac'
denar' infrasp' Fieri facere possum put
interius mihi precipitur.

Infranoiat' A. B. Nihil habet in balli- *Sur Scire*
ba mea per quod ei Scire facere possum. *facias.*

Note, That upon *Nihil retorn'd*, in Admea-
surement of Dower or Pasture, the Plaintiff shall
have the like Judgment, as if the Writ had
been retorn'd served. *Bro. Ret. 101, 109.*

Ban.Reg. So in a Writ of Gard, and so in a Writ of Waste.

In Assize, the Assize shall be taken.

In a Writ of Mesne, Process shall go out to forejudge the Mesne. *Vide Co. Lit.* 100. who shall be bound by Forejudger, and who not.

Upon a *Scire facias*, two *Nihils* do counter-vail *Scire feci*.

Upon a *Scire facias* to execute a Judgment in Debt, Trespas or Annuity, if at the first Day the Sheriff shall retorn *Nihil*, the Plaintiff shall have Execution. In an Account the Defendant was outlawed, and obtained his Pardon, and had a *Scire fac'* against the Plaintiff which was returned *Nihil*, and the Pardon was allowed upon one *Nihil* retorn'd, &c. *Br. Ret.* 109.

Scire facias against Executors upon two *Nihils* retorn'd, they shall be condemned, and charged *de bonis propr'*. See for these *Dalton* 263, 264.

Original.

Cū Dic nichil fecit eo qđ quer' non inven' ci pleg de pꝛog. H. 1 E. 3. 28. vide postea Waste.

Partition.

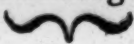
Fac' de Mancerio. Rast. 450.

De Mancerio tētis & redditu. Id. 451, 452.

De Messuag & terris int' duos. Co. Ent. 412.

De separalibus Messuag & terris in separalibus villis. Id. 413.

De

De 20 Ar' ter' inter 5. Et assignatio Ban.Reg.
quis fac' clausur' inter terras. Id. 411. 

De Maneriis tenentis reddit' librat' falde
Curs' libera Marrenna ac de Advocatione,
&c. Clift. 560.

Retorn' Orig' pone & Distring in parti-
tion. Clift. 566.

Retorn' brevis Originalis in Partic'one.

Pleg de p's J. D. R. F.
Sum' infrañoiat' B. R. & W. H.
& E. ur' ejus. S. H. S.
Vide Dalton 264.

A. B. Ar. Vic'.

Note, That such a Retorn may be made in all
other Actions Real, if the Defendant be suffi-
cient.

And note, There must be a Count, Plea and
Judgment before the Partition awarded.

And after Judgment shall be given upon the
Partition, the Partition shall be made between the
Parties ; and the Sheriff in his Person shall go to
the Lands and Tenements, &c. and shall make
Partition, by a Jury of his Bailiwick, between
the Parties, &c. and of the Partition which he
makes shall make Retorn to the Justices, under
his Seal, and the Seal of the 12 Jurors, &c. and
the Sheriff may not retorn what Partition he
pleases. Co. Lit. 169, 248. Dalt. 264.

Ban.Reg. And so it is noted, That the Partition shall be made by the Jury, who ought to make it equally, and then the Sheriff may assign one Part to one and another Part to the other at his Election.

But he ought to summon the Parties to be before him when he makes the Partition.

Upon a Writ of Partition to be made between two Partners of two Manors, the Sheriff may assign one Manor to one, and the other Manor to the other, so that both the Manors be of equal Value; and of two Acres of Land, &c. *Br. Partit. 29.*

So an Advowson may be divided between Partners, *scilicet*, the one to present one turn, and the other another turn. *Co. Lit. 32.*

So a Rent-charge may be divided, &c. *ibid.* But Estovers, as House-boot, Hay-boot, and Fishery incertain, as without Number, &c. may not be divided. *Ibid.*

But the Profits of a Mill, of a Dove-house, of Courts, of Tithes, and of Stallage of a Fair, may be parted. *Ibid. 32.*

Also, it is fit to name and abut, and shew the Contents of the several Parcels.

Ubi Terr', &c. in duas Partes equales dividuntur.

ff. Ego C. R. Armiger Die Com p^{re}dia' in brevi huic Schedule annex' specificat' Justie Dⁿⁱ Regis apud Westm ad diem & locu in eodem brevi content' virtute ejusdem brevis certifico quod Ego p^{re}fat' Die virtute ejusdem brevis vicessimo nono die Septembris anno Regni Domini nostri Caroli secund' nunc Regis Anglie, &c. decimo sexto Assumptis mecum A. J. J. D. &c. duodecim liberis &

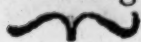
& legalibus hominibus de visū de E. G. Ban. Reg. in brevi p̄dicta' specificat' per quos rei veritas melius scire poterit accessi in propria persona mea ad Tenementa in brevi p̄dicta' specificat' & adtunc & ibidem per eod' Sacramentum (habita respectu ad verum valorē Tenementorū) infra script' cum pertiū M. & J. R. in brevi p̄dicta' nominat' p̄munit') p̄d' Tenementa cum pertiū in duas partes equales partiri feci Et unam medietat' Tenementorū p̄d' situat' jacent' & existē in G. p̄dicta' modo in occupatione W. P. At' assignati vel assignato' acceriam (&c.) cum omnibus & singulis pertiū eidem aut alicui parti eorundem tenementorū p̄dicta' M. in duas brevis nominat' tenend' in separalitate per se Et alteram medietat' tenementorū p̄dictorū in brevi p̄dicta' specificat' videlicet unum Mesuagium unum gardinum, &c. cum pertiū p̄dicta' J. in brevi p̄dicta' nominat' tenend' in separalitate p se assignari & allottari feci Ita quod p̄dicta M. de p̄parte sua p̄dicta de tenementis p̄dictis cum pertiū ipsam M. Et p̄dicta J. de p̄parte sua p̄dicta ipsum J. inde contingend' separatim appuar' se possint put per idem breve mihi precipitur In cujus rei testimonium tam ego p̄fati Dic' quam Jur' p̄dicta' sigilla nostra separatim apposuimus die & anno supradictis.

T. B. Ar' Vic'.

Offic. Brev. 205. vide eund. 150. Brev. Judic. 259 & 272. de Prat. Cottag. Custumar. Piscaria Reddit. Servic. Rectoria Communia Pastur. Pannag. filic. Angl. Fearn, &c.

The

Ban.Reg.



The like of Lands divisible into three Parts, and the Partition retorn'd insufficient, and a new Writ awarded.

Ad quem diem, &c. Et Die modo mand fuit quandam partitionem, &c. in hec verba Virtute brevis Dñi Regis mihi direct' & huic Schedul' annex' Ego H. J. M. Die Com. R. (tali die & anno) assumptis mecum A. B. &c. 12 p'bis hoibus de visū in brevi p'd specificat' in prop' persona mea accessi ad Maneria testā & reddit' cum p'tiū in eodem brevi content' & ibidem per eorum Sacram in p'sentia partium in brevi ill' spec' p me ad hoc premunit', &c. eadem Maneria testā & reddit' cum p'tiū hito resp'd ad verum valorem eorundem in tres partes equal' partiti feci unde unam partem, &c. Et super hoc, &c. The Retorn adjudged insufficient, the Sheriff amerced 20 s. and a new Writ awarded. *Vide Brev. Jud. 269.*

Al Retorn de Partition in Tres Partes. Brev. Judic. 267.

See *ibid.* 268. The Sheriff retorn'd in Partition, that he gave a Day over to the Jury, and at the Day one of them did not appear, and the Sheriff amerced him to 40 s. and then *propter brevitat. temporis*, another Writ was awarded, and an Attachment against the Juror.

The

The Entry of a Partition of Manors and Lands, and Woods, (a Rent reserved for Equality of the Partition) and of an Advowson, &c. between married Sisters to present by turns.

Ad quem diem, virtute brevis Dñi Regis mihi directa & huic Schedulæ annexa Ego J. W. Ar' Vic Com E. 6 die Maii ann' regni Dñi C. Dei grā, &c. 20 in pp' pson' mea accessi ad Maneria de G. H. & G. cum pertin' necnon ad unum Messuag 52 Acr' Terre 74 Acr' prati 66 Acr' Pastur' & 6 Acr' bosci cum pertin' in T. G. in brevi p'dia' spec Et postea eodem 6 die Maii anno supradict' apud T. p'dia' in presencia C. B. & M. Ar' ejus C. C. & J. Ar' ejus in brevi p'dia' nominat' p me antea pre-textu brevis p'dia' separatiim premunit' per Sacram A. B. (&c.) legalium homin' de Com meo p'dia' ex assensu partium p'dia' in brevi p'dia' nominat' Inquisitionem de annuo valore Maneriorum & ten'corum p'dia' cum ptin' Fieri feci Qui quidem Jur' die super Sacram suū quod Maneria & ten'ta p'dia' cum ptin' valent clare per annum in omnibus Erit' ultra reppis', 69 l. videlicet p'dia' Manerium de G. H. per se valet in omnibus Erit' ultra reppis' 21 l. 10 s. Et quod p'dia' Messuag 52 Acr' Terre 74 Acr' Prati 66 Acr' Pastur' & 6 Acr' bosci cum pertin' in T. G. p'dia' valent clare p annum in omnibus Erit' ultra reppis' 14 l. sup quo ego p'fat' Vic' apud T. G. p'dia' p Sacram Jur' p'dia' eadem Maneria & ten'ta cum ptin' hito res p'dia' ad verum valorem eorundem in Tres partes equales Partiri feci Per quam quidem

Ban. Reg

1.

2.

3.

dem partitionem una pars inde videlicet
 p̄dia' Manerium de G. H. cum p̄tin' (Ex-
 cept' Advocatione de T. G. ac cōiis Pas-
 sur' & vasti unacū bosco & subbosco sup
 eadēdem Coias crescen' ac uno bosco voc' G.
 W. eidem Manerio spectan' & appertinen')
 assign' & allotat' p me p̄fat' Vic p̄dia'
 E. B. & M. p p̄parte sua ips' M. de ma-
 neriiis & tēntis p̄dia' cum p̄tin' contingen'
 tenend' eisdem E. & M. & hered' ipsius M.
 in separalitate p se Et altera pars maneri-
 orum & tēntozum p̄dia' videlicet maneri-
 um de G. cum p̄tin' ac quidam annuus
 reddit' 30 s. p annum exeu' de p̄dia' ma-
 nerio de G. H. cum p̄tin' (except' p̄cept')
 ad fest' S̄ci Mich Arch & Annunc' bte
 Marie Virginis per equales portiones an-
 nuatim solvend' p eo qd p̄dia' maner' de
 G. H. cum p̄tin' (except' p̄cept') ma-
 joris annui valoris existit qm p̄dia' ma-
 ner' de G. cum p̄tin' assignat' & allot-
 tatur per me p̄fat' Vic p̄dia' E. & J. p p̄-
 parte sua ips' J. de maneriis & tēntis
 p̄dia' integris cum p̄tin' contingen' te-
 nend' eisdem E. & J. & hered' ipsius J. ut
 in jure ipsius J. in separalitate per se Et
 tertia pars maneriozum & tēntozum p̄dia' cū
 p̄tin' suis videlicet p̄dia' mess' 52 acr'
 terr' 74 acr' p̄ati, &c. ac quidam annuus
 reddit' 10 l. exeu' de & ex p̄dia' manerio
 de G. H. cum p̄tin' (except' p̄cept')
 ad p̄dia' fest' S̄ci Mich Archi & annunc'
 bte Ma Virginis per equal' portiones
 imppum solvend' eo qd p̄dia' manerium de
 G. H. cum p̄tin' (except' p̄cept') ma-
 joris annui valoris existit qm eadem mess'
 52 acr' terre (&c.) cum p̄tin' assign' &
 allotat' per me p̄fat' vic p̄fat' J. B. &
 E. p̄o

E. pro pparte sua ips' E. de maneriis
 & tenentis pdia' integris (except' percept')
 contingen' tenend' eisdem J. & E. & hered'
 ipsius E. ut in iure ipsius E. in separali-
 tate per se Et ulterius ego p'fat' Dic per
 Sacram Jur' p'ed' pd' Coias Pastur' pd'
 & vasti unacum bosco & subbosco crescen'
 super eisdem Coias & pdia' boscum voc'
 G. W. parcelle pd' manerii de G. H. cum
 pertin' superius except' in tres partes equa-
 les partiri feci in forma sequen' quam qui-
 dem Partitionem una pars inde continens
 per estimationem 15 acr' incipien' ad finem
 iuxta le W. G. bosci voc' G. W. abut-
 tan' super quosdam campos voc' M. f.
 & M. G. pertin' W. f. M'le vers' Occi-
 den' & abuttan' vers' Orien' super boscum
 inferius assign' & appunctuat' p'fat' E. &
 M. hered' ipsius M. & abuttan' (Ec.) as-
 sign' & allottatr' per me p'fat' Dic' pdia'
 E. & J. p pparte sua ipsam J. de pdia'
 Coias vasti & bosci contingen' tenend' eis-
 C. & J. & hered' ipsius J. ut in iure ip-
 sius J. in separalitate per se. Una alia
 pars continen', Ec. (and so sets forth the But-
 tals of another Part) assign' & allottatr' per
 me p'fat' vic' pdia' E. & M. p pparte sua
 ipam M. de pdia' Coias vasti & bosci con-
 tingen' tenend' eisdem E. & M. & hered'
 ipsius M. in iure ipsius M. in separali-
 tate per se, ac tertia pars inde continen'
 per estimationem 17 Acr' abuttan' super
 G. W. (Ec.) and so sets forth the Buttals as-
 signatr' & allocatr' per me p'fat' vic' p'fat'
 J. B. & E. & hered' ipsius E. in separalitate
 per se Ita quod a deo die hujus partiti-
 onis fact' pdia' & E. B. & M. de pparte
 sua ipam M. Et pdia' G. & J. de pparte
 sua

1.

2.

3.

Ban.Reg.

Advo-
cac'o.

1.

2.

sua ipam J. Et p'dia' J. B. & C. de p-
 parte sua ipam C. contingend se appuare
 possint. Et ulterius Advocatio Ecclesie p-
 dia' superius except' allotat' & assignat'
 p me p'fat' vic p'fat' C. & M. C. & J. &
 J. & C. & hered' ipsarum M. J. & C. per
 turnu modo & forma sequend videlicet qd
 p'dia' C. & M. initia soroz p'dia' J. & C.
 ut in jure hered' & assign' ipsius M. ad ean-
 dem Ecclesiam cum primo & pr' vacare con-
 tingerit Clericum suum ut in turno suo p'sen-
 tabunt absq; contradictione vel impedimen-
 to p'dia' C. & J. J. & C. vel hered' seu as-
 sign' ipsarum J. & C. Et p'dia' C. & J.
 hered' & assign' ipsius J. ad Ecclesiam p-
 dia' cum per mortem cessionem p'ivatione-
 nem vel resignation' Clerici qui ad presentacio-
 nem ipsorum C. & M. vel hered' seu assign'
 ipsius M. ad eandem Ecclesiam foret admissus
 institut' seu quocunq; alio modo vacare
 contingerit Clericum suum ut in turno suo p're-
 sentabunt absque contradictione vel impe-
 dimento p'dictorum C. & M. J. B. & C.
 vel hered' seu assign' ipsarum M. & C. Et
 p'dia' J. B. & C. & hered' assign' ipsius C.
 ad eandem Ecclesiam cum per mortem cesso-
 nem p'ivationem vel resignation' Clerici qui
 ad presentationem p'dia' C. & J. vel hered'
 seu assign' ipsius J. ad eandem Ecclesia-
 foret admissus & institut' seu quocunq;
 alio modo vacare contingerit Clericum suum
 ut in turno suo presentabunt absq; contra-
 dictione vel impedimento p'dia' C. & M.
 C. & J. & hered' seu assign' ipsarum M. & J.
 Et sic alternatim & successive p'dia' C. &
 M. & hered' & assign' ipsius M. ut in pri-
 mo turno ac p'dia' C. & J. & hered' & assign'
 ipsius J. ut in secundo turno Ac p'dia' J.
 & C. & assign' ipsius C. ut in tertio turno
 suo

suo p
 Eccle
 ment
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suo presentabunt Clericum suum ad eandem Ecclesiam absque contradictione sive impedimento unius eorum ad alium impium In cuius rei testimonium tam ego predicta vice quod Iur' predicta huic Partitioni sigilla sua alternatim apposuer' die anno & loco supradicti Ideo consens est quod partitio predicta firma & stabilis impium teneatur, &c. See Offic. Brev. 151. and see the like Retorn, Brev. Judic. 227.

Vide ibid. 268. Partition of Tithes of Corn and Hay; Lands and Tenements, Rent, Suit of Court, and Services, Waifs, Estrays, Goods of Felons and Fugitives, Customary Lands, a Warren, &c. and an Advowson and Vicaridge to present by turns, &c.

Retorn' brevis de Partitione ubi Terr' in quatuor partes divisibilis est quarum due partes deliberantur uni partium.

N. Ego R. P. Armiger Die Com predicta Justic' in brevi huic Schedule annex' specificat' certifico quod virtute brevis illius in propria persona mea die & anno (&c.) accessi ad messuagium in brevi predicta specificat' Et per Sacram N. B. C. D. E. F. & J. C. &c. probos & legales homines de Com predicta & visnet' in eodem brevi specificat' habito respectu ad verum valorem ejusdem messuagii idem messuagium cum partem in quatuor partes equales partiri feci unam partem partium illar' videlicet, (&c.) tenendi H. S. & J. urozi ejus in brevi predicta nominat' in separalitate in Jure ejusdem A. Et aliam partem inde videlicet

Ban. Reg.

ret (et.) tenendi J. C. & E. urozi ejus in
 brevi pdia' nominat' in separalitate in
 Jur' ejusdem E. & due alie partes inde
 videlicet, Et. tenendi p'fat' J. C. in
 separalitate in jure suo pprio Et Ego
 p'fat' Die die & anno supradia' eas delibe-
 rari & assign' feci p'out idem brebe in se
 erigit & requirit.

A. B. Ar. Vic'.

Vide Offic. Brev. 204. Dalt. 266. Wilk. Lat.
 157.

Retorn of a Writ of Partition of Lands di-
 visible into five Parts.

ff. Ego W. L. Mil Die Com pdia' Ju-
 stic Dnd Regis in brevi huic Schedul'
 annex' specificat' ad diem & locum in eo-
 dem brevi content' certifico quod virtute
 brevis dci Dnd Regis mihi direct' & huic
 Schedul' annex' vicesimo sexto die Julii an-
 no regni dci Dnd Regis nunc decimo no-
 no assumptis mecum R. S. Gen S. H.
 W. H. G. E. T. R. R. B. S. S. W. R.
 E. C. O. S. M. & R. C. p'bis & legali-
 bus hominibus de Com meo in propria
 persona mea accessi ad ten'ta in brevi pdia'
 specificat' Et ad tunc & ibidem p' eos Sa-
 cram (habito respectu ad verum valorem
 eorundem Tenementor' cum pertind) in
 p'sentia R. S. W. S. H. J. S. & P. S.
 in eodem brevi nominat' per me prius p-
 munit' & Tenementa pdia' cum p'tind in
 quinor partes equales secund' exigenciam
 brevis pdia' parti feci Et unam quintam
 partem (videlicet) unum mesuagiu' vocat'
 H. unum horreum unu' stabulu' & unu' po-
 mar'

mar' cum pertinen' & separat' pccias sive Ban.Reg.
 parcell' terre arabilis prati & Pasture cum
 pertinen' continen' in toto per estimationem
 viginti & octo acras sive plus sive minus
 & cum eodem occupat' sive dimiss' scituat'
 jace' & existen' in Parochia de L. in Com
 pdia' modo in tenura sive occupatione M.
 P. bidue & quatuor parcell' bosci unde
 una parcell' vocat' P. una al' parcell' vo-
 cat' H. C. una al' parcell' vocat' W. & quar-
 ta parcell' adjacen' terr' nuper M. G. con-
 tinen' in toto per estimationem quinque a-
 cras sive plus sive minus jace' & existen'
 in Parochia de L. pdia' cum omnibus
 & singulis suis ptinen' eidem aut alicui
 parti eorundem Tenementor' ptinen' put
 p metas & bundas modo dividuntur par-
 cell' Tenementor' integror' in brevi pdia'
 mentionat' P. S. in brevi pdia' nominat'
 libari & assignari feci tenend' ei in separa-
 litate p se secund' formam & effectum brevis
 illius. Ac unam al' quintam partem vi-
 delicet unum meluagiū unum horreum u-
 num stabulum unum pomarium vocat'
 L. C. & separat' pcc sive parcell' terre pra-
 ti & Pasture continen' p estimationem sexa-
 gint' acras sive plus sive minus jace' &
 existen' in M. & W. in brevi pdia' men-
 tionat' modo in tenura sive occupatione
 J. P. cū omnib' & singulis suis ptinen-
 ciis scilicet parcell' tenementorum inte-
 groz in brevi pdia' mentionat' cum omni-
 bus & singulis suis ptinen' aut alicui
 parti eorundem Tenement' pdia' ptinen'
 put per metas & bundas modo dividun-
 tur J. S. in brevi pdia' nominat' leba-
 ri & assignari feci tenend' ei in separali-
 tate per se secund' forma & effectum brevis
 illius

Ban. Reg.

- illius Ac unam aliam quintam partem
videlicet unam mesuagium unum Gardinum &
3. separales pecias terre arabilis continend
per estimationem viginti acras abuttand in
Terras Glebal' vicar' de Upminge modo
in tenura T. C. & unam pec' terre arabi-
lis continend dimid' unius acre sive plus
sive unius jacent in Parochia de Upminge
abuttand in terras Glebal' Vicar' de Up-
minge ad terras S. H. vocat' Milfield & sus
bozeam in tenura sive occupatione S. S.
&c. sicut parcel' Tenement' pdict' integro
in brevi pdict' mentionat' cum omnibus &
singulis suis pertind put per metas & bun-
das modo dividuntur P. S. in brevi p-
dict' nominat' libari & assignari feci tenend
ei in separatitate per se secund' forma & ef-
fectum brevis illius Ac unam aliam quintam
4. partem videlicet unam peciam sive parcel-
lam Marisci frisci communiter vocat'
Moatfield continend per estimationem vi-
ginti acras sive plus sive minus abuttand
super Regia via & sus bozeal ducent ab J.
C. usq; ad Old Runney W. jacent & ex-
istent in Paroch de J. C. in Com pdict'
modo vel nuper in tenura sive occupatione
P. C. al' parcel' tenementor' integro in
brevis pdict' mentionat' cum omnibus &
singulis ptind p metas & bundas modo
dividuntur W. S. in brevi pdict' nominat'
libari & assignari feci tenend ei in separa-
lit' per se secund' forma & effectum brevis
5. illius Ac unam aliam quintam partem
videlicet unam peciam sive parcelлам marisci
frisci continend per estimationem decem
acras, &c. similiter al' parcelle tenentor' in-
tegrozum in brevi pdict' mentionat' cum
omnibus & singulis suis ptind put per me-
tas

tas
brevis
tenen
& eff
P. n
de te
cum
habe
parte
parti
de p
conti
ppar
cum
W. i
pdic
H. d
ment
tim
preci
tam,
nostr

No
riff m
part
de b
pdic
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tas & bundas modo dividuntur H. S. in Ban.Reg.
 brevi p̄dia' nominat' libari & assignari feci
 tenend' ei in separalitate p se secund' forma
 & effend' brevis illius Ita quod nec p̄dia'
 R. neq' p̄d' J. P. M. & H. habeant plus
 de tenementis in brevi p̄dia' mentionat'
 cum pertinen' quam ad ipsos pertinent ad
 habend' Ita quod p̄dia' R. de p̄dia' p
 parte sua ipsum de Tenementis p̄dia' cum
 pertind' similiter contingend' Et quod p̄dia' J.
 de p̄dia' pparte sua p̄dia' cum ptind' sit
 contingend' Et quod p̄dia'us P. de p̄dia'
 pparte sua ipsum de Tenementis p̄dia'
 cum pertind' sit' contingend' Et quod p̄dia'
 M. de p̄d' pparte sua ipsum de Tenementis
 p̄dia' cum ptind' sit' contingend' Et qd' p̄d'
 H. de p̄dia' pparte sua ipsum de Tene-
 mentis p̄dia' similiter contingend' separa-
 tim appuare se possint put per idem breve
 precipiebatur In cujus rei Testimonium
 tam, &c. quam, &c. huic Schedul' sigilla
 nostra separatim, &c.

Note, If any of the Parties be absent, the She-
 riff may make his Retorn thus: Et quoad una
 partem tenent' p̄dia' spec' A. B. in eo-
 dd' brevi similiter nominat' ad Partitionem
 p̄dia' deliband' & assign' Justic' infrasp'c
 certifico quod nullus ex parte ipsius A. B.
 ven' ad recipiend' de me eandem partem
 Ita quod unam part' ill' p̄fat' A. B. li-
 berar' & assignare non potui put breve p̄-
 dia' in se exigit, &c. Kitch. 267. b.

Simile de duabus partibus. Dalton
 Abridgment 168. b.

Note, The Sheriff must retorn the Partition by
 Writing indented under his own Seal, and the
 Seal of every Juror.

Ban.Reg.

Upon a Partition to be made between Tenants in Common, where one of them hath purchased other Lands which lie intermixt and cannot be known, the Party which purchased such Lands ought to shew the Jury the Bounds, (or the Certainty or Number of Acres) of his Land so purchased; but if neither Party will give Evidence therein to the Jury, yet the Sheriff and the Jury are to make Partition at their Perils as well as they can. *Dyer 265, 266. Dalton 265.*

Parliament. *Vide ante in Canc'.*

Præfigas Diem.

Præfigas diem.

Retorn of a Writ of *Præfigas diem*, upon a Complaint in Replevin removed by *Cerciorari* out of an Inferior Court, retorn'd executed by the Sheriff.

N. Virtute istius brevis mihi direct' prefertur infranominat' G. & E. diem coram Justitie infrascript' apud Westm scilicet a die Scti Michis in tres septimanas qd' tunc sint coram eisdem Justitie in loquela infrascript' p'out justum fuit p'cessur' put interius mihi p'cepitur.

J. B. Ar. Vic'.

Præmunire. *Vide ante in Canc'.*

And note, The Garnishment or Warning ought to be two Months before the Retorn, and the Day ought to be set forth.

For the Sheriff retorn'd, That the Defendant was garnished generally, and shewed not upon what Day, &c. and it was held void. *Fitz. Ret. 65. Br. Ret. 56. Dalt. 267.*

Pone

Pone.

See before *Accedas ad Curiam. Vide Dalt. Offic. Vic. 269.*

ff. De Pone p remotione loquere e Cur' cond psecut' ibm per breve de nativa hnd.

ff. Proprietate pbanda sur plur' replevin. 2 Brownl. 205.

Pleg de Pros J. D. R. F.

Infranoiat' H. E. attach est per Pleg R. F. R. D.

Or the Party may be attached by his Goods,
and the Retorn thus :

Infranoiat' H. E. Attachiat' per unum equum precii 20 s.

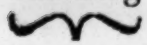
Where the Party has not sufficient.

*Infranoiat' J. H. Nihil habet in bal-
liba mea per quod Attachari potest.* Here
it is observed, that every *Pone* is only a Sum-
mons, to command the Sheriff to summon, or
prefix a Day to the Parties, Plaintiff, and Defen-
dant, that they appear in *Banco, &c.*

Præcipe quod reddat, &c. of Land.

The Sheriff may retorn that the Tenant is
Dead ; but he may not say,

That the Defendant is not Tenant, for he
may summon him in *Terra petita.*

Ban.Reg. Nor that the Defendant *Nihil habet, unde eum*
 *Summoniri potuit.*

Nor that the Defendant *Non est inventus,*
(Causa qua supra).

Nor that the Tenant is an Infant or *Feme*
Covert.

Nor that the Tenant hath yielded the Land to
 the Demandant; for if the Tenant shall yield
 the Land to the Demandant; yet the Sheriff
 must summon the Tenant, and must return the
 same, for that such Yielding of the Land must be
 in the Court, &c.

In a *Præcipie* against two, and the Sheriff re-
 torneth one of them summoned, and the other
 not, this is not good, for he must summon them
 both, and so make his Return.

If the Sheriff shall return the Tenant sum-
 moned, the Sheriff is punishable.

And it is noted, That in a *Præcipe quod red-*
dat, there must be two Summoners at the least,
 and the Sheriff or his Officer in Presence of those
 Summoners, ought to summon the Tenant to
 keep his Day of the Return, (naming that in
 certain) and also he ought to name the Deman-
 dant, and the Land in Demand. *Vide Dalt. 267,*
268. Dalt. Abridg. 170, &c.

Procla-

Proclamation.

See before in *Canc' de Adjournament' Parliamenti.*

And see { Sur Exigent,
Procl Extra Canc.
Admeasurement.
Dower.
Waste, &c.

Retorn of a Proclamation in Waste.

Pleg Iohes Doo, Ricus Roo.
Sum Willus Fen, Ricus Den.

Et ulterius Ego R. B. Armiger Vic
Comd infrascript' Justie Dni Regis infra-
script' certifico quod post Sum pdict' scit
die & anno, &c. infrascript' existen' die do-
minico immediate post divinum servitium
in Ecclesia Parochial de B. infrascript'
null' pdicatione adtunc & ibidem existen'
apud maximum usual' ostium Ecclesie pa-
rochial' illius infra quam quidem paro-
chiam tenta infrascript' jacent & existunt
Proclam feci Sum pdict' secund' formam
Statuti in hujusmodi casu edit' & proviz.

R. P. Ar. Vic'.

Proprietate probanda.

Upon a Replevin (*alias or pluries repleg'*) if
the Defendant claimeth Property, in the Cattel

D d 4

or

Ban.Reg. or Goods distrained, the Power of the Sheriff is determined, so as he may not replevy or make Deliverance; but he is to return *Qd' Def. clamat averia, &c. esse sua Ideo, &c.* and upon such Return the other Party may sue out his Writ *de Proprietate probanda*, to inquire before the Sheriff of the Property, &c. See *Dalt. chap. 73.* and *Dalt. Abridg. 170, &c.*

Return in Replevin that the Defendant claim'd Property.

Istud breve ac duo al' brevia simul & semel mihi delibat' fuer' 16 die Apr' post dat' istius brevis & non antea Et virtute istius brevis accessi ad B. in Com meo ubi Averia infraſcript' fuer' ad ill' infraſciat' E. replegiand' Et infraſciat' E. B. Mil' in iure suo p'p'nd' Et infraſciat' R. W. & R. F. ut ballivi ipsius E. clam p'prietatem averiorum p'dict' fore p'p'nd' p'dict' E. Et ideo averia ill' p'fat' J. repleg non potui iuxta exigenc' hujus brevis. Vide Brev. Judic. 274.

H. M. Mil. Vic'.

Quare impedit.

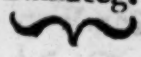
Retorn brevis p' ep'm ex cujus p'sentatione Cl'icus fuit admis's, &c. Clift. 611.

In a *Quare impedit*, the Sheriff must summon the Defendant, and this Summons may be made in the Church, or to the Person.

The

The New Retorna Brevium.

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The Sheriff in this Writ may retorn **Quod** Ban.Reg.
quer' non invenit Plegios de psequendo. 
Vide Dalt. 270. Dalt. Abr. 174.

Also he may retorn *Tarde*.

Also he may retorn *Nihil* upon the Summons,
and upon the Attachment, and upon the *Dis-*
stringas.

Retorn' Quare impedit Sede vacante.

Pleg de ps' J. D. R. S.

Sum infrañoiat' Decan & Capitul' Ec-
cle Cathedralis Ebor Custod special Ar-
chiep' Eboracen sede dñi Archi vacan. G.
D. & J. W. Clerici & eor' cujuslibet. J.
D. R. F. Vide Brev. Judic. 272.

Quid juris clamat.

Upon a Writ of Summons in a *Quid juris*
clamat, the Sheriff is to retorn the Party sum-
moned in this, or the like Manner.

Pleg infrañoiat' } C. F.
 } J. S.
 } J. D.

A. B. Ar. Vic'.

Aliter sur Distringas.

Iustic' infrascript' certifico qd infrañoi-
at' C. P. Attach est p duas Vaccas pti-
trium Libran.

W. A. Ar. Vic'.

Vide Brev. Judic'. 236.

Recordari



The New Retorna Brevium.

Recordari facias Loquelam.

Vide ante Accedas ad Cur', &c. Et vide Brev. Judic. 233. Tit. Refalo. & 263. Accedas ubi Sec-tator. noluer. deliberare Record. aliter Accedas in brevi de Recto. Id. 264, 265.

Replevin.

Retorn. de Replevin sur Retorn. habend' Ave-rorum, &c. vide ante Cap. in Withernam, & homine replegiando.

Upon a *Replevin* directed to the Sheriff, it is said he need not (by the Common Law) to re-torn the Writ, until the *Pluries Repleg'*, but may make Replevin upon his own Authority; but if at the *Pluries* he doth nothing, then an Attach-ment shall go against the Sheriff. *Vide Dalt. 273, Abridg. 176. b.*

And all these Writs, *scilicet*, the Replevin, *Alias & Pluries* may be sued out all at one Time, and delivered to the Sheriff as the Plaintiff shall think good. *Ibid. & Fitz. Replev. 3.*

Upon the *Replevin* the Sheriff may make these Retorns following, if the Case so require.

1. *Pleg de ps' & de Retorn inde habend' si Retorn inde adjudicetr'. J. D. R. R. Virtute, &c. replegiari feci (or delibera-rari feci) infrañoiat' R. averia infraspes-put interius mihi precipitur.*

Averia elongata.

2. *Quod averia & catalla infrañoiat' R. (que J. S. cepit & injuste detinuit ut dicitur) elongata sunt (ad loca mihi incognita) p' p'dia' J. S. Ideo p'fat' R. averia & catalla sua p'dia' repleg' non possum put' interius mihi precipitur.*

3. That the Defendant hath eloined, or conveyed away the Cattel, out of his Bailiwick or County. *Ideo, &c.*

4. *Quod accessi ad locum, &c. Et visum habere non potui de Averiiis, &c. Ideo, &c.*

5. *Quod nullus venit ex parte Querentis ad demonstrandum mihi averia. Ideo, &c.*

And yet if the Plaintiff sheweth the Officer a Stranger's Cattel, and the Officer delivereth them, he is a Trespasser by some Opinions, yet by others not; for by common Reason the Sheriff cannot take Knowledge which are the Beasts of the Plaintiff, and which are not. *Kiel. 129.*

6. That the Defendant claimeth Property in the Goods. *Ideo, &c. ut ante.*

7. That the Plaintiff hath taken his Cattel again.

8. That the Cattel are Dead.

9. That the Defendant hath put the Cattel within the Rectory of the Church of *W.* so as he cannot make Deliverance.

10. Also where the Cattel are driven into a Fort or Castle, it seemeth that the Sheriff may retorn *Elongata*; and upon these Retorns the Plaintiff may have a *Capias* in *Withernam* where Occasion requires.

But these Retorns following are not good.

1. That

The New Retorna Brevium.

Ban.Reg. 1. That the Cattel are in a Fort, Castle, or Park, so that he could not make Deliverance, it is not good.

2. *Quod averia, &c. elongata sunt ad loca incognita infra Comitatum meum*, is not good, for the Sheriff is to take Notice of them, if they be within his County.

3. *Quod visum habere non potui de averia ista*, is not good without saying, *accessi ad locum, &c.*

4. That the Bailiff or Servant claimeth Property for his Master, &c. for by some Opinions the Master cannot claim Property by his Bailiff or Servant. *Quar?*

5. That there are no such Goods or Cattel within his Bailiwick; for in such Case the Sheriff must return, *quod elongata sunt.*

6. That the Defendant took the Cattel for Queen's Debt, &c. or that the Defendant delivered the Cattel to another in Execution by Force of a Recovery, &c.

These are no good Retorns.

7. Also the Sheriff upon a Replevin, &c. may not return, *Mandavi ballivo Libertatis, &c. qui mihi nullum dedit responsum, or qui non vult facere delibet*: For that the Sheriff upon such a Return, &c. made by the Bailiff of the Liberty, or upon such Default of the Bailiff, ought himself presently to enter into the Franchise, and to make Deliverance of the Cattel, &c.

Aliter Repleg'.

Pleg de p's & de Retorn inde habendi & Retorn inde adjudicetr'. J. D. R. f. Virtute, &c. Repleg feci infrascript' R. averia infrascript' put in isto brevi mihi p'eci.

precipitur Et ulterius infrañoiat' Dño Re-
gi certifico quod nullum aliud breve de in-
frascript' averiis Repleg unquā p̄ter istud
breve mihi delibāt' fuit, &c. Kitch. 262. si-
militer Dalt. 273. and he there makes a *Quare*,
if the latter Clause be good.

Ban. Reg.

Aliter.

Virtute, &c. (tali die & anno) Repleg
feci R. B. infrañoiat' averia sua infra-
script' que infrañoiat' C. M. & R. S. ce-
per' & injuste detinuer' secund' formam
hujus brevis p̄ut interius mihi p̄cipitur
Et infrascript' C. & R. Attachiati sunt p̄
centum oves p̄ceti 6 l. per C. F. ballibum
per p̄litum J. C. & R. M. Et infrañoiat'
R. B. Attachiat' est per dñā ballibum
meum per tres Vaccas p̄ceti 3 l. per p̄dñā
J. C. & R. M. Et nullum al' mandat' sive
breve Dñi Regis p̄ter istud breve de a-
veriiis p̄dñā repleg ante adventum istius
brevis mihi unquā liberat' fuit. Vide Kitch.
262. & similiter Dalt. 273.

Retorn. de Replevin sur Retorn. habend.

Pleg de p̄s & de Retorn' § B. C.
hendi si, &c. § D. E.

Virtute istius brevis mihi direct' deli-
bati (sive repleg) feci infrañoiat' R. B.
averia que eidem R. B. in Cur' Dñi Re-
gis adjudicat' fuer' p̄ut interius mihi p̄-
cipitur.

Upon

Ban.Reg. Upon the *Retorn' Habend'*, the Sheriff may
 ~~~~~ retorn *quod averia elongata sunt*, &c. Dyer 41.  
 Dalt. 275.

But if the Writ *de Retorn. Habend.* be awarded to the Sheriff after the Writ of second Deliverance prayed by the Plaintiff, then the Sheriff hath no Power to execute the *Retorn' Habend.* but the second Deliverance, for the Writ of second Deliverance, is a *Supersedeas* to the *Retorn' Haben.* so as the Sheriff cannot retorn it. Dyer 41.

And by some Authorities the Writ *de Retorn. Habend.* is not retornable.

Retorn of a Precept upon a second Deliverance in *Com & Averia elongata, Pleg de ps & de Retorn' habend, &c. J. D. R. R.*

Virtute, &c. Ego W. A. unus ball' infrañoiat' petii de J. C. & R. P. infrascript' videlicet de tribus bobus p'ce cujuslibet bobis 20s. & duobus equis p'ce cujuslibet equi 20s. & renuere inde facere deliberationem Et p'dia' Averia elongata sunt ad loca mihi ignota per quod inde deliberationem facere non potui put interius mihi p'cipitur Et p'dia' C. J. Attach est per unam crateram Argenti ad valenc' 20s. Dalt. 275. similiter Kitch. 262. b.

If it goeth against the Plaintiff upon the second Deliverance, the Judgment generally is, that the Defendant shall have the Cattel retorn'd to hold *irrepleg' imperpetuum.*

After a second Deliverance the Plaintiff discontinued his Action, and moved the Court to have another second Deliverance, but denied by the whole Court. *Vide Br. Judic. 245.*

Parcell'

Parcell' Retorn' & resid' Elongat'.

Virtute istius brevis mihi direct' scilicet (tali die & anno) Retornari feci infrañoiat' R. D. quatuor Vaccas put istud breve in se exigit & requirit Et ulterius Justic' infrascript' certifico quod resid' Aberion p'dict' elongat' sunt p' p'fat' R. D. ac infrascript' J. J. & al' ad loca mihi ignor' Ob quod p'dict' resid' Aberion p'dict' p'fat' R. D. ad p'sens retornar' facere non possum. Brev. Judic. 266. Vide postea.

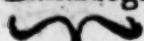
Aliter sur Retorn Habend. secund. Kitch. 262.

Virtute istius brevis Justic' infrascript' certifico quod Retorn' feci infrañoiat' J. S. illa Aberia infrañoiat' W. S. que eidem J. S. adjudicat' fuer' ob defectu ipsius W. salvo & secur' custodiend' ita quod ea p'fat' W. ad queremoniam ipsius W. nullo modo deliberet' sine brevi Dñi Regis quod de p'fat' Judicio expressam facit menconem juxta formam hujus brevis.

Aliter secund. Wilk. Lat. 141.

Virtute istius brevis mihi direct' deliberari feci infrañoiat' J. B. Aberia que C. M. cepit & eidem C. M. in Cur' Dñi Regis adjudicat' fuer' put interius mihi p'cipitur. Vide Wilk. Lat. 141.

Aliter



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Aliter secund. Greenw. 231.

Ante advent' istius hris mihi direct' averia inframenconat' elongat' fuer' p infranotiat' T. R. ad loca mihi ignot' p quod Averia illa infranotiat' H. retord non potui Et p dicit' T. non est invent' in balliva mea.

T. R. Ar. Vic'

Aliter secund. eund. fo. 230. with Cepi corp. for Damages.

Ante adventum istius hzebis equa inframenconat' per infranotiat' G. H. elongata fuit ad loca mihi incognit' ita quod equam p dicit' infrascript' J. H. & H. retord non potui sicut interius mihi precipitur Et ulterius inframenconat' Justie certifico qd virtute istius hzeb' Cepi corpus infranotiat' G. H. cujus corpus coram dia' Justie ad diem & locum infraccontent' parat' habeo prout interius mihi precipitur.

Averia elongata sur secund. Deliverance Et non potuit habere visum.

Ante adventum, &c. Averia infrascript' p infranominat' T. C. elongata fuer' ad loca mihi incognita ita quod visum eorundm infranotiat' A. H. & T. C. retournand' habere non potui put interius mihi precipitur. Kitch. 262. a. Wilk. Lat. 141.

Averia



Averia elongata sur secund. Deliverance.

Ante adventum istius brevis Averia infrascripta elongata fuer' per infrascripta A. M. ad loca mihi ignota sic quod Averia illa infrascripta R. M. Retornari non possum juxta formam hujus brevis. Kitch. 262. b.

Retorn. brevis de Retorn. Habend. ubi Averia elongata sunt.

¶ Justic infrascripta ad diem & locum infrascriptum certifico quod Averia infrascripta ante receptionem hujus brevis elongata fuerunt ad locum mihi incognitum per infrascriptum A. B. Ita quod Averia illa infrascripta C. B. retornari facere non potui per interius mihi precipitur.

A. B. Vic'.

Offic. Brev. 234.

Retorn Averia elongata cum Inquir. de Dampnis.

Virtute istius brevis mihi directa Justic infrascripta certifico quod antea istud breve mihi delibatur fuit Averia infrascripta elongata fuer' per infrascripta A. M. ad loca mihi ignota Ita quod Averia illa infrascripta C. Retornari non potui per, &c. — Residuum executionis hujus brevis patet in quadam Schedula huic brevi annexa. C. B. Ar' Dic.

Inquisito, &c. qui dicunt, &c. Qd C. B. in deo Brevis, &c. sustinuit dampna oratione

E e

oracione

Ban.Reg. orōne in eodem brevi spec ad 61. 13s.  
 necnon p mis & custag suis per ipm, &c.  
 ad, &c. In cuius, &c. Vide Brev. Judic. 217.

Vide Brev. Judic. 248. Retorn habend &  
 breve Inquirend de Campnis & secund  
 Deliberanc & Inquisition first Retorn Et Ju-  
 dic sur ceo.

Id. 252. It is noted, that if the Defendant  
 does not sue a Retorn habend within the Year,  
 that he is put to a Scire facias ostens' quare  
 Retorn non heret, &c.

But a second Deliverance may be sued after  
 7 Years elapsed.

If the Defendant hath a Retorn awarded him,  
 and he sue a Writ de Retorn habend and the  
 Sheriff returns upon the plur' quod Aberia  
 elongata sunt, &c. here he shall have a Scire  
 fac against the Pledges. Fitz. 74. Fitz. Wi-  
 ther. 11. Dalt. 273.

Where the Sheriff taketh insufficient Pledges  
 de Retorn habend they are no Pledges. Br. 2.  
 Dalt. 275.

And it is there noted, That if after a Retorn  
 habend sufficient Amends shall be tendered, he  
 ought to except thereof, otherwise the Plaintiff  
 shall have a Writ of Detinue. Br. 6. 17. si-  
 mile Brev. Judic. 255.

And that where the Tenant offers the Rent  
 or Amercement, tempore districtionis facte or  
 after the Distress taken, and the Lord refuse it,  
 he shall have no Retorn. Dalt. 275.

Aliter Pars averior. Retorn. resid. elongata.

ff. Justic, &c. certifico quod virtute isti-  
 us brevis mihi direct' Retorn feci infra  
 nominat' A. B. duos Pullos de averiis  
 infra

infraſcript' put interius mihi ꝑcipitur Ban. Reg.  
 Qdꝫ ante addentum iſtius brevis reſidū  
 Averioꝝ elongata fuerunt per infranomi-  
 nat' C. D. ad loca mihi incognit' Ideo  
 reſidū Averioꝝ ꝑdia' A. B. Retoꝝꝝ facere  
 non potui put iſtud breve in ſe exigit & re-  
 quirat.

A. B. Ar. Vic'.

Offic. Brev. 225.

Averia mortua.

ſ. Juſtic, &c. infraſcript' certifico quod  
 ante addentum iſtius brevis una vacca  
 Averioꝝ infraſcript' mortua eſt Ita quod  
 vaccam ill' infranotiat' A. B. deliberat' non  
 potui ſed virtute iſtius brevis reſidū Ave-  
 rioꝝ infraſcript' infranominat' A. B. Re-  
 toꝝꝝ feci put interius mihi ꝑcipitur.

A. B. Ar. Vic'.

Offic. Brev. 235.

Retorn. habend. ubi recepit breve de ſecunda de-  
 liberatione.

ſ. Poſt receptionem iſtius brevis & ante  
 executionem ejusdem recepi quoddam aliud  
 breve dicti Dñi Regis de ſecunda delibe-  
 ratione mihi direct' quod huic brevi eſt an-  
 nex' per quod executionem iſtius brevis  
 facere non potui put interius mihi ꝑcipi-  
 tur. Offic. Brev. 235.

Retoꝝꝝ brevis de ſecunda Delib'at' ꝑre-  
 dia' brevi de Retoꝝꝝ habend' annex'.

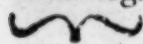
Pleg de ꝑꝑꝝ } J. Doe.  
 &  
 R. Roe.

E c 1

Virtute



Ban.Reg.



Virtute, &c. delibari feci infrañoiat' &  
 W. Aberia infrascript' put interius mihi  
 precipit'. Offic. Brev. 235.

Infranominat' C. D. Attach' J. Denn.  
 est per H. Fenn.

## Redisseisin.

Retorn. inde & Inquir. de Dampnis.

Ad quem diem, &c. Et Die videlicet C.  
 C. Ar' modo mand' hic quandam Inqui-  
 sitionem coram eo apud S. in Com' pdia'  
 10 die Decemb' ult' pterit' per Sacram  
 duodecim, &c. capi' p quam compert' est  
 que Disseina pdia' fact' fuit p'fat' W. M.  
 p pdia' R. P. & A. p duos annos & un-  
 quarter' unius anni claps' Et quod tenita  
 pdia' cum pten' valent p ann' in omnibus  
 Erit' iuxta verum valor'em eor' 40l. Et  
 ulterius quod pdia' W. & M. sustinuer'  
 dampna tam occasione disseine pdia' qm p  
 mis' & custodia' suis p ipm circa secam su-  
 am in hac parte appoit' ad 7l. 7s. 4d.  
 per Inquisitionem pdia' superius compert',  
 &c. Offic. Brev. 351.

Seisin executed by one Sheriff, and retorn'd  
 by another.

Judic' in Ingress' super disseisin Et sei-  
 sin supinde Retorn' p nunc Die execut' p  
 son Predecessor. — Et Die videlicet J. C.  
 modo

modo mand qđ H. C. nup Die Com pdia' Ban. Reg.  
 Predecessor ipsius nunc Die virtute bre-  
 vis pdia' sibi dirca' (tali die, &c.) sibi pre-  
 cept' fuit) quod quidem breve in forma pdia'  
 servit' & execut' pfat' nuper Die doli-  
 habuit eidem nunc Die in Cril' ab Officio  
 suo, &c. Vide Judic. Brev. 109.

## Rescous.

Retorn inde.

Vide ante Fieri facias, Et vide in Scaccario  
 Tit Rescous'.

Retorn. de Rescussu per Ballivum Jurat'.

¶ Virtute istius brevis mihi directi feci  
 quoddam Warrantū meum cuidam C. P.  
 ballivo meo jurat' & cogn ad capiend' &  
 arrestand' C. S. infranominat' qui quidem  
 ballivus virtute Warranti predia' die &  
 anno, &c. apud C. in Com S. in ra' cript'  
 corpus pdia' C. S. cepit & arrestavit &  
 ipsum C. in Custodia sua adtunc & ibidem  
 habuit super quo quidam G. R. de A. in  
 Com pdia' Yeoman in pfatū ballivum me-  
 um adtunc & ibidem insultum fecit & pd'  
 C. S. adtunc & ibidem in Custodia pdia'  
 ballivi mei Vi & armis cepit & rescussit &  
 pdia' C. seipsum adtunc & ibidem a Cust-  
 odia ballivi mei pd' Vi & armis rescuss-  
 sit ac evasit & escapavit contra pacem dñi  
 Dñi Regis Iohis corpus ipsius C. coram  
 Dño Rege ad diem & locum infracontent'

Ban. Reg. habere non possum put interius mihi p̄ci-  
 pitur.

R. P. Ar. Vic'.

Offic. Brev. 203.

Rescuss' per Ballivum itineran'.

Virtute istius brevis mihi direct' feci  
 quoddam Warrantū cuidam R. P. bal-  
 livo meo hac vice itineran' ad capiendū &  
 arrestandū infrañoiat' C. L. secundū exigenc'  
 istius brevis qui quidem R. P. vir-  
 tute Warranti p̄dia' postea scilicet secundū  
 die Maii anno regni Dñi Regis infrascripti  
 3 apud B. in Com p̄dia' Cepit corpus  
 infrañoiat' C. L. de B. p̄dia' in Com p̄-  
 dia' f. Qui quidem C. die anno & loco su-  
 pradicti Vi & armis in p̄fat' R. P. balli-  
 vum meum p̄dia' insult' fecit & ipm ver-  
 beravit vuln̄avit & male tractavit ita quod  
 de vita ejus despabatur Et idem C. adtunc  
 & ibidem a Custod p̄dia' ballivi mei &  
 contra voluntat' suam recessit escapiavit &  
 rescussum fecit contra pacem dñi Dñi Re-  
 gis nunc, &c. Et postea idem C. L. non  
 est invent' in balliba mea. Vide Kitch. 261.  
 simile Dalt. 216.

Aliter secund. Dalt. 215.

Infrascript' R. P. captus fuit apud D.  
 10 die Maii anno infrascripti p C. B. bal-  
 livum Dñd Regis & mei virtute cujusdam  
 Warranti pretextu hujus brevis p me  
 facti & sibi direct' Et super hoc p̄dia' R.  
 P. cum aliis ignot' Vi & Armis, viz. ba-  
 culis



culis, &c. in dem ballivum insult' fecer' <sup>Ban.Reg.</sup>  
 & seipm a Custod' pdict' ballivi rescuss'  
 & nunqm postea eundem R. D. in balliva  
 mea invenire potui.

Aliter per Ballivum Itineran'.

ff. Executio istius brevis patet in qua-  
 da' **Schedula** huic brevi annex'.

R. P. Ar. Vic'.

Schedula.

ff. Virtute istius brevis **Und** Regis mi-  
 hi direct' & huic **Schedule** annex' feci quod-  
 dam **Warrantum** meum cuidam J. M. bal-  
 livo meo itineram ad capiend' & arrestand'  
 C. G. in dicto brevi nominat' secund' exi-  
 gent' ejusdem brevis Qui quidem ballivus  
 meus virtute **Warranti** mei pdicti die &  
 anno, &c. in dicto brevi nominat' apud,  
 &c. in Com, &c. cepit & arrestabit cor-  
 pus pdicti C. G. de, &c. in Com, &c. Et  
 adtunc & ibidem ipsum C. G. in Custos-  
 dia sua habuit super quo ff. G. de, &c.  
 & C. M. de, &c. ad tunc & ibidem vi &  
 armis videlicet gladiis pugionibus & ba-  
 culis in pdict' ballivum meum insultum  
 fecerunt & ipsum ballivum adtunc & ibi-  
 dem contra **Legem** & consuetudinem Reg-  
 ni dei **Und** Regis Anglie & contra volun-  
 tatem ipsius J. M. ballivi mei impriso-  
 naver' & ipsum ballivum meum in **Priso-**  
 na ibidem p' spatium unius hore adtunc  
 & ibidem detinuer' & viginti denarios in  
 pecuniis numeratis de bonis catallis &

Ban.Reg. denar' ipsius J. M. ballivi mei a perso-  
 na dñi ballivi adtunc & ibidem in Custod  
 dñi ballivi mei ceperunt ac p̄fat' C. Vi  
 & armis p̄dict' adtunc & ibidem a Custod  
 dñi ballivi mei ceperunt & rescusser' necnon  
 idem C. seipsum adtunc & ibidem a Custod  
 ejusdē ballivi mei rescussit contra volun-  
 tat' ipsius J. M. ballivi mei & contra pacem  
 dicti Dñi Regis nunc, &c. Et postea idem  
 C. non est invent' in balliva mea.

R. P. Ar. Vic'.

Vide Offic. Brev. 203. Kitch. 260. b. similiter  
 Dalt. 215. Libr. Intr. 579. Wilk. Lat. 146.

Retorn. de Rescussu per Ballivum Hundredi.

ff. Virtute istius brevis mihi directi feci  
 quoddam Warrantum meum J. M. Bal-  
 livo Hundred de A. in Com S. infrascript'  
 qui mihi sic respond qđ ubi ipse virtute  
 Warrant' p̄dict' die & anno, &c. infra-  
 script' apud, &c. cepit quendam J. S. &  
 ipsum usq; ad Gaola Dñi Regis Castri  
 sui ducere voluisset ibidem salvo Custod  
 illuc vener' quidam J. C. & R. S. cum  
 pluribus aliis ignot' Vi & Armis a'catat'  
 modo Guerrino & a Custod dicti ballivi mei  
 apud, &c. p̄dicta' J. S. ceperunt & abdur-  
 erunt & eum nōcuisse voluerunt nisi ipsum  
 J. S. evadere pmiserit Et sic ob metu mor-  
 tis sue ipsum J. S. evadere permisit Et  
 ea de Causa corpus p̄dict' J. S. corā Dñā  
 Rege ad diem infracontent' ubicunq; &c.  
 iere non possum put interius mihi p̄cipi-  
 tur. Et ulterius vobis certifico quod post  
 p̄d

ps die, &c. anno, &c. pdia' J. S. non fuit Ban.Reg.  
invent' in balliva mea.

R. P. Mil Vic'.

Offic. Brev. 203. Wilk. Lat. 147. Kitch. 261.  
& Dalt. 216. Vide postea Mand. Ballivo Li-  
bertatis.

Retorn of a Rescous upon a Capias ad respondend'.

Virtute istius lris mihi directi feci quod-  
dam Warant' P. P. & J. M. Ballivis  
m'is conjunct' & divisim ad capiend' &  
arrestand' infranominat' J. C. virtute cu-  
jus quidem Waranti sibi ipsis directi pdi  
P. P. & J. M. postea & ante Retorn' hu-  
jus brevis scilicet 10 die Novemb' anno in-  
frascript' apud M. in Comd' infrascript' in  
Balliva mea ceperunt & arrestaverunt pdi  
J. C. secund' Exigenciam hujus brevis Et  
ipsam in Custod' ipso' Ballivo' meo' ad-  
tunc & ibidem salvo detinuer' quousq' qui-  
dam R. H. de M. predia' Husbandman C. P.  
de eadem Vintner & L. M. de B. Yeoman, &  
al' perso' ignot' apud M. pdia' Vi & ar-  
mis in ipsos P. P. & J. M. Ballivos me-  
os pdia' adtunc & ibidem insuli' fecerunt  
& ipsos verberaverunt vulneraverunt &  
male tractaverunt Et pdia' J. C. adtunc  
& ibidem extra Custod' Ballivo' meo' p-  
dicto' rescusserunt & pdia' J. C. scriptum  
adtunc & ibidem Vi & armis rescussit & e  
Custod' dicto' Ballivo' meo' eduxit & esca-  
piavit contra pacem Dni Regis infra-  
script' Et postea pdia' J. C. non est invent'  
in Balliva mea.

A. B. Ar. Vic'.

Offic. Brev. 217.

The



Ban. Reg.



The like in another Manner.

**V**irtute brevis **D**ni **R**egis mihi direct' & huc **S**chedule annex' pro executione ejusd' feci quoddam **M**arantū meum cuidam **J. H.** Ballibo meo (p hac vice tant') ad capiend' & arestand' **J. L.** in eodem brevi nominat' juxta exigenciam ejusdem brevis qui quidem Ballibus meus postea scilicet decimo nono die **S**eptemb' anno infra script' apud **L.** in Com' pdia' infra Ballibam meam pdia' virtute dñi **M**aranti mei ei direct' p'ed' **J. L.** cepit & arestabit & ipsum **J. L.** in Custodia sua adtunc & ibidem habuit super quo postea scilicet die & anno supradict' apud **L.** pdia' in Com' pdia' pdia' **J. L.** amulcum **C. R.** & al' person' dicto Ballibo meo penitus ignor' **V**i & **A**rmis scilicet pugionibus & baculis in pdia' Ballibum meum adtunc & ibidem insult' fecerunt & ipsum verberaverunt vulneraverunt & male tractaverunt & p' **J. L.** extra Custod' ballibi mei pdia' rescusserunt Et quod pdia' **J. L.** seipsum a Custod' dicti ballibi mei rescussit contra voluntatē dñi ballibi mei & ad largum quo voluit recessit in contemptum brevis dñi **D**ni **R**egis & contra pacem suam Et postea pdia' **J. L.** non est invent' in balliba mea.

T. S. Ar. Vic.

Offic. Brev. 217.

Aliter

## Aliter Retorn of a Writ of Rescous.

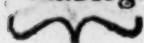
ff. Virtute brevis Dñd Regis infra-  
script' mihi direct' & huic Schedule an-  
nex' p executione ejusdem feci quoddam  
Warrantū meum in scriptis sub sigillo of-  
ficii mei cuidam W. C. ballivo meo ad  
capiend' & arrestand' T. R. in eodem brevi  
nominat' juxta exigent' istius brevis qui  
quidem ballivus meus vicesimo die Sep-  
temb ult' p̄terit' apud G. in Com meo  
infra ballivā meam p̄dictā virtute dicti  
Warranti mei ei direct' p̄dict' T. R. cepit  
& arrestavit & ipsum T. R. in Custod' mea  
ad tunc & ibidem habuit super quo postea  
scilicet p̄dicto vicesimo die Septemb apud G.  
p̄dict' in Com p̄dict' T. R. simulcum R. R.  
de G. p̄dict' Yeoman, & C. ux' ejus C. D.  
de eadem Yeoman & al' person' dñi ballivo  
meo penitus ignot' Vi & Armis (videlicet)  
pugionibus & baculis in & sup p̄dict' bal-  
livum meum tunc & ibidem insult' fecerunt  
& ipsum Vi & Armis p̄dict' vulneraverunt  
verberaverunt & male tractaverunt & p̄dict'  
T. R. rescussaverunt & p̄dict' T. R. ipsum  
a Custod' meo contra voluntat' dñi ballivi  
mei Vi & Armis p̄dict' rescussit & ad lar-  
gum quo voluit ibit in contempt' dñi Dñd  
Regis & contra pacem suam.

Et postea p̄dict' T. R. non est inventus  
in balliva mea.

J. W. Bar. Vic'.

Offic. Brev. 226.

Aliter



## The New Retorna Brevium.

Aliter secund. Kitch. 261. b. Sur Ca. Sa.

Ego J. H. Mil Die virtute istius brevis  
 feci quoddam Warrantum J. B. & P. D.  
 ballivis meis hac vice itinerantib' ad  
 arrestand' & capiend' R. f. ad satisfaciend'  
 infranominat' W. P. de debit' & dampn'  
 infraspes put interius mihi precipit' Vir-  
 tute cujus Warranti iidem J. B. & P. D.  
 ballivi (tali die & anno) apud H. in Com  
 pdia' arrestaver' pdia' R. f. put p Warr'  
 ill' eis precipiebant' Ne idem R. f. ac qui-  
 dam G. f. de G. in Com pdia' cum aliis  
 ignotis Vi & arm' videlicet gladiis baculis,  
 &c. in pdia' J. B. & P. D. eisdem die &  
 anno apud H. in Com pdi' insult' fecer' &  
 ipsos maletractaver' & adtunc & ibid' res-  
 cussum fecer' virtute cujus Rescuss' idem  
 R. f. a Custodia illa adtunc & ibidem con-  
 tra arrestacon' pdia' rescussit evasit & esca-  
 piavit Quappter p'at' R. f. ad diem &  
 locum infrascript' habere non possum Et  
 ulterius vobis certifico quod post eund' di-  
 em pdia' R. f. non fuit invent' in balliva  
 mea. Dalt. 216, 217.

Aliter secund. eundem ibid'.

Virtute istius brevis quoddam Warr-  
 rant' meū feci & dixeri cuidam J. C. bal-  
 livo meo ad attachiand' infranominat' J.  
 C. p'textu cujus idem J. C. nono die Jan'  
 anno regni Dni Regis infrascript' 3 apud  
 H. in Com infrascript' cepit & arrestavit  
 pdia' J. C. eum coram me ducere volens  
 & intendens ad fac' & rec' put in isto brevi  
 mihi



mibi precipit' Et postea videt' dia' nono Ban.Reg.  
 die Jan' anno 3 supradia' dia' J. C. nup  
 de pd' Ec. in Com' pdia' H. apud B. pd'  
 in pd' C. C. ballivum meum insultum fe-  
 cit Et ab eodem ballivo adtunc & ibidem  
 fugit evasit & rescussum fecit Et postea  
 eundem J. in balliva mea invenire non  
 potui. Simile Dalt. 217.

But for these Retorns of a *Rescous* (by some Opinions) it seems they are not good, and that the Sheriff shall be amerced for such Retorns; for the Sheriff is to bring the Party at his Peril, if it be in Time of Peace, and he might have taken *Posse Comitatus* to have aided him therein, and besides, the Sheriff may have his Writ of *Rescous* against the Offenders, and shall recover so much as he was amerced. *Fitz. Ret. 110.*

And yet where the Sheriff shall retorn, that the Party hath been rescued, &c. *per ignotos*, it seemeth the Retorn is good, for then it doth not appear that he can have any Writ of *Rescous*. *Fitz. Ret. 110. Dalt. 217.*

See concerning these Retorns of *Rescous*, where, and in what Cases Action lies against the Sheriff for *Rescous*, or not. *Compl. Sher. 274, &c. and Dalt. chap. 36.*

Aliter secund. Green. 231.

Executio hujus brevis patet in quadam Schedul huic brevi annex'.

R. S. Ar. Vic'.

Virtute

Ban. Reg.

**Virtute istius brevis mihi direct' & hinc**  
**Schedul' annex' quoddam Warrantum feci**  
**cuidam W. R. ballivo meo ad a' estand' &**  
**capiend' J. S. in dco brevi nominat' qui**  
**quidem ballivus meus virtute Warrant'**  
**mei pd' 11 die Feb' anno regni Dnd Regis**  
**infra script' 14 apud B. in Comd meo ar-**  
**restabit & cepit corpus pdia' J. S. put p**  
**Warrant' meum p'cipit' Et eodem J. sic**  
**arestat' capt' & in Custod' ut pdicite' sub**  
**pdia' arrest' existend' Quidam G. S. de B.**  
**pdia' simulcum pdia' J. S. Vi & armis**  
**videt' gladiis baculis & cultellis in ip-**  
**sum pdia' W. R. ballivum meum adtunc**  
**& ibidem insult' fecer' & ipsum verbera-**  
**ver' vuln'aver' & maletractaver' ita quod de**  
**vita ejus despabatr' Et pdia' G. S. ip-**  
**sum J. S. sic ut pdicite' sub pdia' arrest'**  
**existend' adtunc & ibidem extra Custod' meam**  
**cepit & rescussit & ad sui juris ad largum**  
**ire pmisit Et idem J. S. sicut pdic' sub**  
**arrest' existend' extra Custod' meam scilicet**  
**Vi & armis adtunc & ibidem seipsu' res-**  
**cussit contra pacem dia' Dnd Regis, &c.**  
**Et postea idem J. S. non est inventus in**  
**balliva mea.**

R. S. Ar. Vic'.

Another Form from a Bailiff of a Liberty  
with a Riot.

**Virtute istius brevis mihi directi Man-**  
**dabi Ballivo Libertatis de, &c. qui ha-**  
**bet plenu' retornu' omnium brevium p'cep-**  
**torum & Warrantoru' sibi inde direct' &**  
**qui die & anno, &c. apud, &c. infrano-**  
**minat' C. S. in eodem Warranto sibi si-**  
**militer**

militer direct' nominat' cepit & arrestabit Ban.Reg.  
 & ipsum T. S. in Custodia sua oratione p-  
 diaa adtunc & ibidem habuit & tenuit &  
 quod quidam J. C. nuper de S. in Com,  
 &c. & J. F. de eadem, &c. aggregat' eis  
 quamplur' aliis malefactor' ignotis pacis-  
 que Dnd Regis pturbatoz ad numerum  
 decem psonar' modo guerrino arraiat' Vi  
 & armis videlicet gladiis pugionibus scu-  
 ris & baculis in ipsa ballibum adtunc &  
 ibidem riotose insultum fecer' & ipsum ver-  
 beraver' vulneraver' & maletracaver' Ita  
 quod de vita ejus desperabatur Et pdia'  
 J. C. & al, &c. ipsum T. S. extra Custodi-  
 dei ballivi adtunc & ibidem reperunt & res-  
 cusserunt & ad sui juris ad largum ire p-  
 miserunt Ac idem T. S. seipsum extra  
 Custodi dei ballivi adtunc & ibidem simi-  
 lit' rescussit contra pacem dei Dnd Regis,  
 &c. Et postea idem T. non fuit inventus  
 in balliva sua.

R. P. Ar. Vic'.

Offic. Brev. 204. Similit. Kitch. 261. Dalt.  
 216. Wilk. Lat. 148.

Retornd per ballibum libertatis Et non  
 omittas Dic superinde. Clift. 550

## Restitution.

Retorn inde.

Virtute istius brevis mihi direct' (tali  
 die & anno, &c. infrascript') tenen'tum pdi  
 cum ptin' relesibi & infrañoiat' T. & D.  
 plenam



Ban. Reg. plenam possessionem & seisinam inde resti-  
tui put interius mihi precipit'. Offic.  
Brev. 224.

Vide ante Habere fac seisinam & Habere  
fac possessionem. similit. Dalt. 277. Wilk. Lat. 134.

Aliter secund. Greenw. 229.

Virtute istius brevis mihi direct' im-  
mediate post receptionem ejusdem infranominat'  
C. F. in plenam & pacificam possessionem  
& seisinam Messuagii & terrarum infra spec-  
cum ptin' restitui & imposui put interius  
mihi precipitur.

R. S. Ar. Vic'.

Retorn' inde post breve de Error' post  
recupationem in debito. Hans. 242.

## Resummons.

Retorn' inde.

Executio istius brevis patet in quadam  
Schedul' huic brevi annex'.

A. B. Ar. Vic'.

Nota Jur' 24. Nisi unde in brevi huic  
Schedul' annex' sit mentio R. M. de R. Ar'  
C. B. de M. Ar', &c. ad numerum 24.

Quilibet Jur' p'dict' separatim resum est  
p R. G. & M. R. honos Summonitores.

A. B. Ar. Vic'.

Dalt. 277, 278.

## Scire facias.

A *Scire facias* is a Writ Judicial, and is usually to warn a Man to come, and shew Cause to the Court, why Execution of a Judgment that is past, should not be done. *N. Br.* 163, &c.

And the Sheriff upon this Writ, is only to warn the Party to appear (before the Justices, &c.) according to the Writ, and then to retorn the same. *Ibid.* & *vide Dalt.* 278.

Retorn' inde.

Virtute istius brevis mihi direct' p N. B. & C. D. ppos & legales homines de balliva mea Scire feci infranominat' J. S. quod sit coram Justic' Dno Regis (or coram Dno Rege, or coram Baron' Tnd Regis) ad die' & locum infra script' [Ad respond' R. H. infranominat' or ostens' in forma pdict', or ostendend' si quid p se heat vel dicere sciat, quare, &c. or ad informand' dco Dno Regi put, &c. or ad faciendum & recipiendum ea que istud breve exigit & requirit, &c. according to the Nature of the *Scire facias*.] *Dalt.* 278. *Abridg.* 179. *Compl. Sher.* 270. *Wilk. Lat.* 140.

And it is noted, That it is not enough for the Sheriff to retorn, *Scire feci J. S. &c.* but he must also warn or give Notice to the Party Defendant, that he appear in such a Court, at such a Day, and at such a Man's Suit, there to do that which the Writ requireth, and then

F f

his

Ban. Reg. his Retorn must be *Scire feci, &c. ad essend' coram, &c. ad faciend' &c. prout istud breve requirit.* Vide Dalt. Abridg. 179. Kitch. 268, 269.

Retorn of a *Scire facias*, That the Defendant died before the Writ came to the Sheriff's Hands.

*Infranominat' A. B. ante diem emanationis hujus brevis mortuus est Ideo eidem A. B. Scire facere non possum sive invenire sive Distringere sive Capere. Offic. Brev. 215. vide 2 Saund.*

The like Retorn of the Defendant's Death, before the Writ issued out.

*Domino Regi infrascript' ad diem & locum infracentent' certifico quod infranominat' A. B. diem suum clausit extremum Ideo istud breve nullo modo exequi facere potui. Ibid.*

Aliter *Scire feci.*

*N. Virtute istius brevis mihi direct' per J. H. & R. P. probos & legales homines de balliva mea Scire feci infranominat' J. D. quod sit coram Justic infrascript' ad diem & locum infracentent' ad Ostendend' si quid, &c. prout istud breve in se exigit & requirit, or prout interius mihi precipitur.*

T. B. Ar. Vic'.

Offic. Brev. 229. Greenw. 223. Kitch. 268. b.

Nihil



Nihil super Scire facias.

**N.** Infranominat' **R. J.** Nichil habet in balliva mea p quod ei Scire facere possum nec est invent' in eadem; where the Sheriff returneth *Nihil habet, &c.* he must return further neque est invent' in eadem. Vide postea. Offic. Brev. 230. Dalt. 279. Compl. Sher. 270. Kitch. 269. Wilk. Lat. 140. Greenw. 223.

Scire facias post annum & diem.

**N.** Virtute istius brevis mihi directa' p **J. H. & M. H.** ppos & legales homines de balliva mea Scire feci infranominat' **J. A.** quod sit coram Dño Rege infrascript' ad diem & locum infracentent' ostens' si quid p se habeat vel dicere sciat quare **J. C.** executionem de debito & dampnis put infra sit mentio versus p'fat' **J. A.** habere non debeat prout istud breve in se Exigit & requirit.

J. K. Ar. Vic'.

Offic. Brev. 230.

Nichil super Scire facias versus Hered' terrar' & Tenen', &c.

**N.** Domino Regi infrascript' ad diem & locum infracentent' certifico quod non sunt aliqui heredes nec aliquis Heres neque aliqui Tenentes nec aliquis tenens aliquar' Terrar' sive Tenementor' que fuerunt infranominat' **T. A.** tempore redditionis Iudicii infrascript' in balliva mea

F f a

quibus

Ban. Reg. quibus vel cui ullo modo Scire facere  
 ~~~~~ possum.

T. F. Bar. Vic'.

Offic. Brev. 230.

Aliter Scire facias versus Hered' & Tenen'.

N. Ego **R. B.** Ar' Vic' Com' p'd' Justie
 Dnd Regis in brevi huic Schedul' annex'
 nominat' certifico quod virtute brevis dñi
 Dnd Regis mihi direct' & huic Schedule
 annex' p' **J. B. & L. M.** p'bos & legales
 homines de balliva mea Scire feci **J. B.**
 tenen' unius Messuagii cum p'tin' unius
 Gardini unius Pomarii & unius pecie
 Terr' continen' p' estimacōn' un' acram ei-
 dem spectan' scituar' jacen' & existen' in
 Parochia de **G.** in Com' p'edict'.

Acetiam **J. B.** tenen' unius acre terre
 cū p'tin' in **G.** p'edict'.

Acetiam **A. B.** vid' tenen' unius Mes-
 suag' & unius Gardin' eidem spectan' in
G. p'd'.

Acetiam **C. R.** tenen' unius Messuag'
 unius Gardin' eidem spectan' in **G.** p'd'.

Acetiam **M. A.** tenen' duos Cottag' &
 unius Gardini cum p'tin' in **G.** p'dict' de
 terris & Tenementis cum p'tin' que fue-
 runt **R. B.** & de quibus p'dict' **R.** fuit scit'
 in dominico suo ut de feodo in () quo
 die Judic' de debito & dampnis p'dict'
 reddit' fuit quod sint Cozam Justie Dnd
 Regis in brevi p'dict' specificat' ad diem &
 locum inframenconat' ostens' put istud breve
 in se Erigit & requirit. Offic. Brev. 231.
 vide Brev. Judic. 258.

Acetiam certifico quod non sunt aliqui
 alii, &c.

Nihil

Nihil & non est invent. Retorn. versus 3.

Infranominat' M. J. C. & R. Nihil habent nec eorū aliquis habet in balliva mea ubi aut p quod eis seu eorū alicui Scire facere possum nec sunt invent' nec eorū aliquis est invent' in eadem.

Respons'.

G. G. Mil. & G. C. Mil. Vic'.

Offic. Brev. 278. Thes. Brev. 289, 294.

Aliter.

M. D. & ceteri Def. infranominat' Nihil habent in balliva mea p quod eis Scire facere possum (nec sunt invent', &c.) Vide Dalt. 379. vide postea.

Retorn. Scire fac. versus Manucaptores.

Directe istius brevis mihi direct' p G. C. & R. G. ppos & legales homines de balliva nra C. M. & C. S. infranominat' Scire fecimus quod tunc coram Justic infrascript' ad diem & locum infracentent' ostens' put istud breve in se exigit & requirit Ac ulterius quod inter receptionem istius brevis & ante retorn ejusde infranominat' H. J. Nihil habet in balliva nra ubi ei Scire facere possumus nec est inventus in eadem.

Respons'.

H. M. & J. B. Vic'.

Offic. Brev. 316.

Ban. Reg.



Retorn of a *Scire facias* in *Ejectment*, after
Judgment affirm'd upon Error in *C. B.*

N. Virtute istius brevis nobis directa
per *C. B. & J. B.* p̄hos & legales homin
de balliva nra *Scire* fecimus infrañoiat
N. quod sit coram Ono Rege infrascript
ad diem infracontent' ubicunq; &c. ad
ostendend', &c. put interius nobis p̄cipit.
Vide Thes. Brev. 227.

Simile in *Ejectment* pro Admin. per Nihil habet.

N. Infrañoiat' *J. H.* Nichil habet in
balliva mea p̄ quod ei *Scire* facere possum
nec est invent' in eadem. Id. 228, 240, 251.
Greenw. 223.

Retorn' Testat' *Scire* fac' in *B. R.* Ep'o Dunelm'
direct' pro Adm' de bonis non Administ' de
Superviven' quer' vers' hered' & terr' tenen'.

N. Virtute istius brevis mihi directa &
huic Schedul' annex' mandavi *T. D.* Mil
Die Com Dunelm' qui quidem Die Du
nelm' mihi respondit quod ipse virtute p̄
cept' mei sibi directa' p̄ *C. B. & C. C.* p̄hos
& legales hoies in balliva sua *Scire* fec
J. H. Ar' Conlang & hered' *H. H.* Ar. in
dco brevi nōiat' ac tenend' Manerii de A.
cum p̄tiā ac 100 Messuag 100 Acr' Terre
100 Acr' Prati 100 Acr' Pastur' & 100 Acr'
bosci cum p̄tiā in A. B. C. &c. in dco
Com Dunelm' que fuer' Maner' Messuag
Terr' & Centa p̄dia' *H. H.* in eodem bre
vi

bi nōiat' in Feodo simplici die mercurii Ban.Reg.
 pr' post tres Sept' scē Trin anno regni
 Dñd Car' p̄imi nuper Regis Angl, &c. 13
 quo die Judic' in dēo b̄revi mēconat'
 reddit' fuit vers' p̄fat' H. H. p̄ de bo &
 dampn in dēo b̄revi sp̄ec quod sit coram
 dēo Dñō Rege nunc ad diem & locū in dēo
 b̄revi content' ad ostendendū put istud b̄reve
 in se exigit & requirit Et ulterius idem Dic
 D. mihi certificabit quod non sunt aliqui
 alii neq; plur' tenendū nec aliquis al' te-
 nens est aliquaꝝ terrarū vel tenitorū que
 fuer' p̄dict' H. H. die reddiōnis Judic' in
 dēo b̄revi mēconat' seu unq̄m postea in
 feodo simplici in balliva sua quibus seu
 cui Scire fac' potuit put eīdem Dic p̄ me
 p̄ceptum fuit, &c. Vide Offic. Brev. 290.

Simile Ep̄o Dunelm' vers' Admin & Terr'
 tenendū ad ostendū quare Executōm non. Thes.
 Brev. 279.

Aliter Scire feci secund. Dalt. 279. ad respondend.

Virtute, &c. Scire feci infrañoiat' J. S.
 & J. D. quod sint coram Justic' Dñd Re-
 gis infrascript' ad diem & locum infras-
 content' ad respondū R. H. infrañoiat'. Dalt,
 279. Kitch. 268. b.

Aliter ad audiend' Record'.

Virtute, &c. Scire feci T. A. & C. Ar'
 ejus infrascript' (per A. B. & C. D.
 quod sint coram Dñō Rege ad diem in-
 frascript' ubicunq; &c. ad audiendū Record'

Ban. Reg. & Processus unde istud breve facit mentio-
nem Et ulterius ad faciendū & recipiendū
omnia & singula) put istud breve exigit.
Dalt. 279. Kitch. Lat. 268. b.

Aliter ad faciend.

Virtute, &c. Scire feci C. D. infrañoi-
at' quod sit coram Iudic' infrañcript' ad
diem & locū infrañcontent' p J. S. & R.
G. ad faciendū ea que istud breve in se exi-
git & requirit. Dalt. 280. Kitch. 269.

Aliter.

Scire feci eidem J. S. offendi coram,
&c. ostens' in forma pñicta' p R. F. & C.
G. &c. Li. Intr. 217. Dalt. 280.

Ad ostendendū put istud breve in se exi-
git & requirit. Thes. Brev. 263.

Simile quare Executio non. Id. 279.

Ad ostendendū & ulterius ad faciendū & re-
cipiendū. Kitch. Lat. 269.

Versus Executor', &c. Et null' Retorn.

Nulli sunt Executor' de C. infrañoiat'
neq; Adm bonorū & catallorū que fuer' es-
iusdem C. nec hered' neq; Tenend' terrarū
& tenorū que sua fuer' in balliva mea
quibus aliquo modo Scire facere possum.
This is good Secund. Dalt. 280.

Aliter

Aliter Scire feci Adm' & Exec' secund' eund' 280.

Virtute, &c. Scire feci W. B. Adm
sive Exec' bonorum & catall' que fuer' C. P.
infranominat' p W. G. & G. R. p'bos &
legales homines de balliva mea essendi
coram Dño Rege (vel Justic) ad diem in-
fracontent' neq' sunt plures Adm aliquor
bonorum & catall' que fuer' ejusdem C. P.
in balliva mea quibus aut cui ad plens
Scire facere possid. Kitch. 269.

Ad ostend' si quid, &c. quare Execution' non.

Idem Kitch. ibid. Ostensur' liquid p se ha-
beat vel dicer' sciat quar' infrascript' W.
H. & R. C. Executōd p debito & dampn'
vers' p'fat' J. C. habere non debent put
issud bzebe in se exigit & requirit.

Retorn' de Scire facias versus Terre Tenentes.

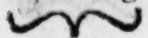
¶ Infranominat' J. M. nullum habet
heredem infra ballivam meam cui Scire
fac' possum sed virtute istius bzebis mihi
dixit Scire feci C. C. vid' nup uxori C.
C. Ar' defunct' & C. G. Ar' Tenend Ter-
rar' & Tenementorum que fuerunt p'dict' J.
M. p C. P. & R. B. p'bos & legales homi-
nes de eadem balliva mea quod sint coram
Dño Rege infrascript' ad diem & locum in-
fracontent' put p istud bzebe mihi pceptum
fuit.

R. P. Ar. Vic'.

Offic. Brev. 204.

Aliter

Ban. Reg.



Aliter ad informand' Dom' Regem & Consili-
um suum.

N. Virtute brevis istius mihi direct' 12
die Apr^o anno regni dñi Dñd Regis 20 su-
pradict' p J. B. Gen & C. M. Gen p-
bos & legales homines de balliva me Scire
feci eisdem C. P. & M. essend' hic modo ad
hunc diem ad informand' dñm Dñd Reg &
Consiliu suu put breve pdict' in se erigit
& requirit & put p breve illud mihi pcep-
tum fuit. Dalt. 280.

Note, That when the Sheriff upon the *Scire facias* warneth one to appear, &c. that properly is called Garnishment.

And if the Sheriff shall retorn Garnishment, where no Garnishment was made, he is punishable. *Dalt. Abridg.* 180. b.

Also, that Garnishment of the Defendant must be by, or in the Presence of two others, and and must be so retorn'd together with the Names of the Garnishers, to be set down in the Retorn, *ut supra*.

Also in the Retorn of the Garnishment by C. D. and E. F. these Words, **probos & legales homines**, seem to be material, or else the Garnishers may be attainted or outlawed, &c.

The Sheriff retorneth *Scire feci Hered' & Terrenen'*, without naming their Names; it is not good.

In a *Scire facias* J. S. *Magistro Collegii*, &c. the Retorn was *Scire facias Magistro* without naming him; 'tis void.

In a *Scire facias* to execute a Judgment or Fine, the Sheriff must retorn the Names of the Summoners and Veyors.

In

In a *Scire facias*, the Sheriff may retorn **Quod Ban. Reg.**
breve tarde venit, &c. **Tarde.**

In a *Scire facias* against two, the Sheriff re-
torned *Scire feci* the two, **modo & forma put**
istud breve erigit, &c. and it was holden good,
though he retorn'd not severally *Scire feci*.

In a *Scire facias* it is a good Retorn, that the **Mortuus.**
Parties are dead.

So in a *Scire facias* to have Retorn of Cattel,
it is a good Retorn that the Cattel are dead.

But in a *Scire facias* against Husband and **Divorce.**
Wife, it is no good Retorn that they are divor-
ced.

Against a Parson, it is a good Retorn, that the **Parson.**
Parson had resigned his Benefice before the Writ
came to him.

In a *Scire facias* against two, the Sheriff may
not retorn that one of them was garnished, and
that the other *Nihil habet*, for though he hath
nothing, yet the Sheriff might have garnished
him by his Person. Yet see such Retorn in
Greenw. 224. with a *neque est invent, &c.*

Virtute hujus brevis mihi direct' p C.
G. & J. D. ppos & legales homines de
balliva mea Scire feci infranominat' M.
B. quod sit coram Justie inframentonat'
ad diem & locum interius content' ad o-
stend, &c. put interius mihi precipit' Et
ulterius certifico eisdem Justie quod alter
Def. Nihil habet in balliva mea p quod
ei Scire fac' possit nec est invent' in ea-
dem.

R. S. Ar. Vic'.

And so note, That in a *Scire facias* the She-
riff may garnish the Party by his Person, or up-
on his Lands or by his Goods, but it is made a
Quare

Ban. Reg. *Quare* how? and it seemeth by Attachment of his Goods.

And therefore upon a *Nihil*, he must retorn further *nec est invent' in eadem*.

Upon a *Scire facias*, two *Nihils* amount to a *Scire feci*, &c.

See for these Things *Dalt. chap. 75. fo. 279, 280, &c. Dalt. Abridg. 179, 180, &c.*

Scire facias ad audiend' Errores Et Retorn inde que le Plaint' est mort intestate, &c.

ff. Infraſcript' M. D. ante advent' hujus brevis mihi ſcilicet (tali die & anno) apud S. C. in Com' meo obiit intestat' Admiſtrator' omnium & ſingulorum bonorum & Catallorum Jur' & Creditor' que fuer' infraſcript' J. poſtea ſciſt (tali die & anno) apud S. C. p'dict' S. D. vid' & Relict' p'dict' J. p' S. providencia divina Cantuar' Archiep' comiſſa fuit.

Theſ. Brev. 229.

Retorn' Scire fac' pur Adm' ſur ceo, *ibidem*.

ff. Inſranominat' S. D. Nihil habet in balliva mea p' quod ei Scire facere poſſum. Simile idem 233.

Retorn' ſur Scire fac' ad audiend' Errores ſur Err' tam in reddi'cone Judicii qm' in adjudication' Execution'.

ff. Virtute iſti' brevis mihi direct' per R. B. & J. D. p'bos & legales homines de balliva

balliva nra Scire feci infranominat' N. Dan. Reg.
 M. quod sit coram Dno Rege ad diem &
 locum infrascript' ubicunq', &c. audiendi
 Record & Process' necnon adjudicacoem
 Execucoem unde istud breve fac' mentioem Et
 ulterius ad faciend' & recipiend' omnia &
 singula p'out istud breve exigit & requirit.
 Thes. Brev. 231.

Retorn' Scire facis quare restitution' habere non
 debet puis Judgment revers' e Com' Banc'.

¶ Virtute istius brevis nobis direct' p'
 J. C. & M. C. p'bos & legales homines
 in balliva nostra Scire fecimus infrano-
 minat' N. M. quod sit coram Dno Rege
 ad diem & locum infracentent' ad ostend' si
 quid p' se habeat vel dicere sciat quare
 infranominat' J. C. restitucioem de debo &
 dampn' infrascript' vers' eum habere non
 debeat put' interius nobis p'cipitur. Id. 232.

Sci' Fi' Inquir'.

¶ Retorn' p' Inquisicoem nulla bona In-
 testatoris sed devastaver' Et Nihil habent.
 Thes. Brev. 238. Les Sheriffes sont dis-
 charge & auters admit Et al' Inquisicoem
 Retorn' quod vendider' devastaver' & elon-
 gaver'. Id. 238.

¶ Sur Scire facias vers' Heir & Ter-
 tents Retorn' quod nulli sunt Tenen, &c.
 Testatum Scire fac' Dic Northumb' Sci-
 re fac' Certen de Terres & dismes nul
 auters, &c. Thes. Brev. 283.

Site

Ban. Reg.

Wile pur Erec Et Scire fac Retorn Terrenen Tenent molend & Terr' Et nul auters Terres ou Tenement'. Id. 228, 296.

The like Retorn in *Brev. Judic.* 258.

Retorn Null' Tenen', &c.

N. Justic' infrascript' ad diem & locum infracentent' certifico quod non sunt aliqui Tenentes, nec aliquis tenens aliquarum terrarum & tenentorum que fuer' infranoiat' J. B. in Crō Trin' anno regni Dni nostre Eliz' 30 infraspē qua die Judic' inframentonant' reddit' fuit vel unquā postea in balliva mea quibus vel cui Scire facere potui put' interius mihi p̄cipitur. *Brev. Judic.* 275.

J. B. Ar. Vic'.

Testat. inde & Retorn' inde Scire feci. *Ibid.*

N. Virtute istius brevis mihi directa' (tali die) per W. T. & T. C. p̄bos & legales homines de balliva mea Scire feci J. B. Tenent' Manerii de P. cum pertinē quod infranoiat' W. D. infrascript' tempore Judicii infraspē ac postea quod sit coram Justic' infrascript' ad diem & locum infracentent' ad ostendend' put' mihi p̄cipit'.

J. H. Ar. Vic'.

Scire fec. secund. *Greenw.* 228. *for release of Prisoners.*

Virtute istius brevis p̄ C. D. & C. F. p̄bos & legales homines de balliva mea Scire

Scire feci infranotat' I. S. I. I. &c. qd Ban.Reg.
sint coram dco Dno Rege ad diem & locum
infracontent' ad ostend', &c. quare &c.

Nichil to a Scire fac' against the Heir and Te-
nants, secund. eund. ibid.

Infranominat' G. S. Nichil habet in
balliva mea per quod ei Scire facere pos-
sum neq; est invent' in eadem neq; sunt
ulli Tenentes sive ullus Tenens aliqua-
rum terrarū sive tenentorū que fuer' in-
franominat' W. sup diem infrascript' Ju-
dicii infra reddit' vel unquā postea in bal-
liva mea quibus Scire facere potui put
breve illud exigit.

J. G. Ar. Vic'.

Aliter vers. Heir & Tertenen', and Notice given;
secund' eund', 238.

ff. Virtute istius brevis mihi direct' p
W. G. & E. D. probos & legales homi-
nes de balliva mea Scire feci R. W. fil
& Hered' R. W. infranominat' defunct' &
W. R. & J. H. Gen Tertenen' diversorum
terrarum & ten'torum in balliva mea
unde pō W. R. pater tempore vite sue fuit
leit' in dinco suo ut de feodo in Crast'
omni Aliazum infraspē quod sint coram
Justic' interius menconat' ad diem & lo-
cum infracontent' ad ostendend', &c. put
interius pcepitur.

Scire feci Exec' sup Judic' in debo. Rast.
Ent. 237.

Ban. Reg.

W Mandavi ballibo libertatis qui Scire fecit. Id. 586, 587.

Scire fac Tertenentibus & quod non est aliquis Tertenens in Com. Co. Ent. 623.

Scire fec separatibus terretenentibus. Co. Ent. 623. 8 Co. 5.

Quoad separales partes terrarum Die mandavit separatibus ballibis libertat' qui nullum deo respons' Et quoad alias terras Die Scir' fec Terretenentibus. 21 E. 3. 59.

Quod Def. est Clericus beneficiat' nullum hens laicum feodum. 31 H. 6. 11.

Scire fac in Annuitate vers' psona Eccle quod resignavit Et nulla het bona. 2 E. 4. 1.

Scire fac Retorn p Bayly del Liberty del Dutchy de Lancast'. 1 Brown. Ent. 320.

Sed fd Inquir' quod Exec' nulla habuit bona Ideo Scire fec Et Inquisitio Retorn quod vendidit & elongavit bona & catalla ad valenc' 48 l. Clift. 660.

Simile. 661.

Aliter Scir' fec & inquir'. Id. 662, 663, nulla bona & Sciri fac Retorn cum debas scabit.

Alit' Sed fac post Sed feci & inquer' Et quod devastabit vers' Ur'. Id. 666, &c.

Alit' Sed fac post Sed fec & inquir' & devastabit compert' p inquisitionem & nihil Retorn p Exec' vers' Exec'. Id. 668.

Ret' de Sed fac p Cancellar' Com' Pas Lanc'. Id. 673.

Scire fec' Tertenent Et non sunt aliqui al'. Ibid.

Alit' Sed fec' terrarum tenent. Id. 675.

5 Sed

Scd fec' super Scd fa in Ejectione vers' Ban. Reg.
 eos qui ingressi sunt post recuperationem.
 Idem. 656.

Sur 2. Nichil het nec est inbent' Retorn'
 Executio p default'.

Scd fec' & Inquis' post vers' Adm Et
 devastabit Retorn' sur ceo. 1 Saund. 303,
 &c.

Ballibus libertat' ret' Scd fec' sur Scd
 fa de Executione finis obe render, &c.
 Offic. Br. 267. Vide 1 Brown. Ent. 328.

Nichil Retorn' vers' le Heir Et Scd fec'
 vers' le Tenant sur Scd fa per Dom Ma-
 nui existen' ancient Demesne p annulatione
 finis levat' de Messuag, &c. manui p
 3 Lev. Rep. 415, &c.

Sur Scd fa p Exec' super recogn Vic'
 Retorn' Cognizor mort' Scd fac' vers' he-
 red & Terre Tenen' Et Vic' Retorn' Scd
 fec' Tenen'. 2 Saund. 7, &c.

Sur Scd fac' vers' C. D. &c. Certes-
 nants Vic' retorn que un des Def. fuit
 mort per que un J. G. fuit Certenant
 dun Moiety. 1 Lut. 854, &c.

Nichil Retorn' sur Scd fa p Patentee
 del Roy de bonis Felon de & super Ju-
 dic per eum obtent', &c. Thomp. Ent. 278.

Seisin.

Vide ante Dower, Habere fac. possessionem &
 Habere fac. Seisinam.

ff. Virtute istius brevis mihi direct' 10
die Novemb anno infrascript' Habere feci
G g pzetat'

Ban. Reg. prefat' R. P. plenar' Seisin de & in tenement' infrascript' cum p'tin' put interius mihi precepitur. Offic. Brev. 224. Id. 199. Wilk. Lat. 134. Dalt. 282. Kitch. 271.

Aliter secund. Thes. Brev. 105.

Ad quem diem ven' p'dict' J. in p'p' p'd person' sua Et Die videlicet J. C. modo mand' q'd ipse Virtute brevis p'dict' sibi direct' 20 die Julii ult' p'terit' Habere fec' p'fat' J. plenar' Seisin de Manerio tenementis & libera piscaria p'd' cum p'p'tin' necnon de Advocacione p'dict' put per breve illud sibi p'cept' fuit, &c.

Retorn' brevis de Seisina infra Libertat'. Vide Brev. Judic. 262. Qui quidem Senllus mihi sic respondit quod ipse virtute brevis ill' 2 die M. anno, &c. supradicto Habere fec' infranominat' J. plenar' Seisinam de Centis infrasp'ec juxta formam & essent' ejusdem brevis.

De sciend' libertates super Judicia' p'p' Rege in Quo Maranto. Co. Ent. 539.

De Seisin in brevi de Recto quod Here fec' seimam. Rast. 247.

In dote de 2 Cottagiis, &c. cum libis ingressu & regressu. Hern. 340.

In dote de dimidio acre & una roda carem 5 perticat' jacen' in, &c. Id. 343.

In dote de terris Customariis p'p'cuis Cur' & advocac' parcelle separat' maneriorum & terrarum. Moil. 169.

In

In dote cum Inquit' de Dampnis de Ban. Reg.
 tertia parte manerii & tenetor per metas,
 &c. Et de tertia parte holcor vendendi
 perquisit' Cur' finium heriot' advocatō &
 al' hereditament' appenden & pertinen
 mess' & terris. Rast. 238.

Releifure.

Virtute, &c. tali die & anno Messuagia
 sive tenita infrascript' Releifuri feci & G.
 C. infrañoiat' in plenar' possessionē eorum
 dñi Messuag sive tenetorum cum pertinentiis
 juxta vim formam & effectū Statut' infra-
 spec poni feci pꝛout interius mihi pꝛcipit'.
 Kitch. 268.

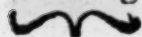
Summons.

Quā tenens nullam hēt terram unde
 Sum potest. 25 E 3. 39.

Sum vers' A. & B. Retornd per 2 Die
 Civitatis quod A. est Sum Et quod B.
 est un Die Et ideo non Sum. And. Rep. 10.

Tr brief de Sum in Formedon in remaind-
 er. Lut. 856, &c

Entry of a Judgment upon Default of the
 Praice in Aid upon the Summons returned. Bro.
 Act. 62.



Summons, Assize.

Retorn inde.

Virtute istius precepti mihi directi ve-
 nire feci coram Justiciariis infra scribis ad di-
 em & locum infra contentum omnia breviam Al-
 fizarum Jurat' certificacionem in Com S. in-
 frascripti coram quibuscumque Justiciis tam
 per diversa breviam Domini Gulielmi tertii
 nuper Regis Anglie quam per diversa breviam
 Dne Regine nunc una cum Panellis At-
 tachamentis Summon & Cum-
 mon & omnibus aliis adminiculis assize
 Jurat' & certificacionem illam qualitercumque tan-
 gen' Venire feci etiam coram prefatis Justiciariis
 ad Gaolam dictam Domini Regis Castri
 sui Winton de Prisonariis in ea existentibus
 deliberandis assignat' ad prefatum diem omnes
 Prisonarios in Gaola predicta existentes una
 cum eorum Attachamentis & attachamentis
 & omnibus aliis adminiculis Prisonum illos
 qualitercumque tangerent Et de vicinis cujus-
 libet ville & loci ubi felon unde iidem
 Prisonarii indicti appellati sive arrestati ex-
 istunt facti fuer' tam infra Libertates quam
 extra 24 p'bos & legales homines quibus
 rei veritas melius sciri poterit & inquireri
 & qui Prisonarii illi nulli assintat' attrin-
 gunt una cum quatuor hominibus prepo-
 sitis ville & loci eorum ad faciend' ea que
 tunc ibidem eis ex parte Dne Regine nunc
 injungunt publice etiam Proclam feci p'
 totam Ballivam meam quod omnes illi qui
 sequi voluerint versus Prisonum illos quod
 tunc sint ibi versus eos (prout justum fuerit)

prosecut' Scire feci etiam omnibus Justiciis Ban.Reg.
 pacis Coronatoꝝ Seneschallis Domini &
 magnat' & ballivis Libertat' & hundred
 Com' p'dia' quod tunc sint ibidem cum ro-
 tulis recoꝝd' indicament' & aliis memo-
 rand' suis ad faciend' ea que ad officia sua
 pertiũd' put' interius mihi p'cepit' Resid'
 executionẽ istius p'cepti patet in quibus-
 dam Schedulis huic p'cepto annex'.

A. B. Ar. Vic'.

Dalt. 195. Wilk. Lat. 115. Kitch. 172.

Then follow the Panels of 24 of every Hun-
 dred of the same County, to be retorn'd to the
 said Precept; then the Retorn of a Precept for
 the Gaol-Delivery, and then a Kalendar of the
 Justices Names, &c. for which see after. In the
 mean time it is noted,

That now the Assize Precept is generally re-
 torn'd shortly thus: viz.

Executio istius p'cepti patet in qui-
 busdam Schedulis huic p'cepto annex'.

A. D. Ar. Vic'.

And then ingross the Names of the Justices of
 the Peace and Coroners in one Schedule, the
 Names of the Bailiffs of Liberties, the Names
 of the Mayors, Bailiffs, and Chief Officers of
 every Corporation, in another Schedule.

The Names of the Chief Constables, and
 Bailiffs of Hundreds in another.

The Kalendar of the Prisoners Names in an-
 other.

And the Grand Jury and Jury between the
 Prisoners written fair in Paper, until they be
 sworn.

Ban.Reg.



And then your Affize Proceſs being all retorn'd, every Writ according to its Nature, and Execution thereupon done, annex them all to the Precept, and ſo deliver them to your High Sheriff, who is to deliver them to the Judge in Court, when he is there to call them.

Memorandum, When the Jurors are ſworn, you are to ingroſs their Names in Parchment Panels, to be delivered to the Clerk of the Affize, to be annexed to the Precept

And the Warrants which the Sheriff muſt make by Virtue of this Precept, for the ſummoning of the Affizes to the Bailiffs of Liberties, and Bailiffs of Hundreds muſt contain in them the whole Subſtance of this Precept, but whether it be in *Latin* or *Engliſh*, it is not material, ſo that it be in due Form: And it is needful, that the Sheriff keep for himſelf a particular Note of the Names of ſuch Perſons as he nominaterh in his Warrant, to be ſummoned to ſerve in the Grand Jury, and not to leave it to the Diſcretion of Bailiffs, to put in and out whom they liſt in that Service.

Then the Sheriff muſt ſet down the Names, and dwelling Places of ſuch as he will have warned to ſerve in the Graud Jury in particular, and keep a Note of them, that he may be able to ſhew to the Court, if need ſhall require, who he had determined to have retorned for that Service, if they had come; and if the Fault happen to be in the Bailiff, then he ſhall be puniſhed, and the Sheriff excuſed. *Dalt. 196. Wilk. Lat. 117.*

The

The Retorn of the Precept for the Gaol-Delivery, *secund. Dalt.* 196. which follows the Assize Precept.

Executio istius Precepti patet in diversis Panellis eidem Precepti consut' Et ulterius Proclamari feci p totam Ballivam meam quod omnes illi qui prosequi voluerint versus aliquos vel aliquem de ullo infracentent' p Dño Rege aut pro seips' quod tunc sint ibidem cum billis suis in forma Juris psecutur', &c. Li. Intr. 443.

Then he adds also a Kalendar of the Names of the Justices of Peace, Coroners, Stewards, Bailiffs of Liberties and Hundreds, and Prisoners (which are in the Gaol, or which are bailed by the Justices after they were committed, &c.) which must be delivered by the Sheriff to the Justices of Gaol-Delivery: The Form whereof is as follows.

Kalendarium secund. Dalt. 370.

Cantabz' ff. Kalendarium de nominibus Justicie Pacis Dñi Regis coram Senescall' Ballivorum Libertat' & Hundred in Comitatu' Summon ad essend ad Alias' apud C. in Comitatu' pdict' die Lune in secunda Sept' Quadagesima anno regni Dñi nostri Jac' Dei gra, &c. Fidei Defen, &c. ac de nominibus Prisonar' in Gaolis pdict' existent.

Nomina Justicie Pacis.

*A. B. Miles & Baronet; C. D. Mil
E. F. Ar', &c.*

G g 4

Nomina

The New Retorna Brevium.

Nomina Coronatorum.

G. H. J. K. &c.

Nomina Seneschal & Balliborum Libertat'.

I. M. N. O. P. Q. &c.

Or here you may add (as he observes) and shew especially who is Steward or Bailiff of every Liberty, or Franchise as followeth.

A. B. Senesch de Libertat' de E.

C. D. Ballibug de Libertat' de F.

Et sic de ceteris.

Nomina Balliborum Hundred.

R. T. U. V. A. C. B. D. &c.

Or thus:

R. S. Ballibus Hundred de A.

T. V. Ballibus Hundred de C.

Et sic de aliis Ballibus aliorum Hundred.

Nomina Prisonar' in Gaola C. existent.

J. S. reppis.

J. P. capt' apud S. p suspect' Felonie.

Kitch. 273. And so of the rest.

Also they must shew by what Justice of Peace the Prisoner was committed, and for what Cause.

Also what Prisoners have been bailed by the Justices of Peace, after they were committed, and by what Justice they were bailed. *Dalton, ut supra.*

It is observed in *Dalt.* 369. That the Judges of Circuits have now five Commissions by which they sit.

1. A Commission of *Oyer and Term* directed to them, and to many other of the best Account in the Circuit: But here the Judges are of the *Quorum*; and this is the largest Commission, giving them Power to deal with Treasons, Murthers, and all Manner of Felonies and Misdemeanors.

2. A Commission of Gaol-delivery; and this is to the Judges only, and hereby they are to deal

deal with every Prisoner in the Gaol, for all Offences whatsoever. Ban. Reg.

3. A Commission to take Assizes.

4. A Commission to take *Nisi prius*, for the speedy Trial of Records. And also to try Issues joyn'd at *Westminster* for Ease of the Country. These two Commissions are directed only to the Judges.

5. A Commission of the Peace in every County in their Circuit, where all the Justices of the Peace are to attend the Judges.

Retorn of a Summon of the Sessions of Peace.

Virtute istius brevis mihi directi venire feci coram Justiciariis infra scriptis apud Castrum Winton infrascriptis die anno & loco infrascriptis omnes Constabularios & Ballivos Hundred infra Comitatus specis. necnon de qualibet dicta libertate & hundred viginti quatuor Juratos ad faciend ea que eis ex parte Dni Regis ad tunc & ibidem injungentur Ac etiam Scire feci omnibus Constabulariis & Ballivis Hundred Comitatus infra scripti quod tunc sint ibi habentes secum omnia nomina Artificum Laborarum & Servient Husband infra Hundred predicta vad contra formam Statuti inde excessive capiend ac insuper sufficient Proclam feci infra Ballivam meam quod omnes illi qui tam pro Dno Rege quam pro seipsis versus hujusmodi Artifices Laborarum & Servient aliquas querelas juxta formam Statuti ordinationis predicta conseri vel prosequi voluerint quod tunc sint ibi bile suas per justiciamque ibidem subitur si sibi viderint expediri put interius mihi precipitur.

A. B. Ar. Vic.

Dalt. 198. Kitch. 272. Wilk. Lat. 117.

Some-

Ban.Reg.

Sometimes the Retorn of the Summons for the Sessions of Peace is made briefly thus :

**Executio istius brevis patet in quibus
da Panelle huic brevi consut' vel annex'.**

A. B. Ar. Vic'.

Vide Dalt. 198. Wilk. Lat. 118.

Observations from *Dalt. Abridg.* 122. &c. concerning the former Summons of Assize.

Upon this Precept (from the Judges of Assize and Gaol-delivery) the Sheriff must make his Warrant, and thereby command every Bailiff of every Liberty and Hundred.

1. To warn 24 Jurors of their Liberty or Hundred, all which several Panels must be annexed to the Retorn of the Precept.

2. To warn for the great Inquest, such whose Names the Sheriff nominateth in the said Warrant.

3. To warn the Jury of Life and Death, such as the Sheriff or Bailiff shall think meet, within their Hundred.

4. To proclaim within every Hundred the Day and Place of Assizes, and that all Persons that have any thing against any Prisoner be there to prosecute.

5. To give special Warning to Justices of Peace and Coroners, &c. within their Hundred to be there present.

6. To Arrest, &c. all Persons formerly Endited, &c. to appear there,

7. And

7. And by his said Warrant the Sheriff must also command every Bailiff to be, and attend there themselves. Ban.Reg.

Or else to the Back of this Warrant, the Sheriff may file a Schedule, setting down therein the Names of such as shall be warned for the great Enquest, and for the Jury of Life and Death, and such other Persons as are to be warned thither, &c.

The Form of the Warrant for summoning the Affizes.

N. B. *Willelmus* Vic Com p^{re}dicta' Ballivo Libertatis de C. (or Ballivo Hundred de A.) salutem Virtute cujusdam p^{re}cepti mihi direct' tibi mando Qd Venire fac coram J. L. Willelmo & Bar' & J. D. Willelmo, &c. Justiciari' N^{ost}ris in Com p^{re}dicta' ad Annas apud Castrum C. in Com p^{re}dicta' 10 die Augusti p^{re}tenendi (or thus die Lune existendi 20 die M^{ensis} p^{re} futur') omnia brevia, &c. necnon separata person' subscript' ad faciend' ea que tunc & ibidem ex parte Q^{ui} Regis eis injungentur publice etiam Proclamari facias p^{er} totam ballivam tuam quod omnes illi qui sequi voluerint versus Prisonar' in Gaol' (Q^{ui} Regis) Comit' p^{re}dicta' q^{ui} tunc sint ibi versus eos p^{ro}ut iustum fuerit prosecutur' Scire facias etiam omnibus Justic' Pacis Coronato' Seneschal' Domini & Magnat' Escheatozib' Ballivis Libertat' & omnibus capital' Constabular' infra Hundred' tuum quod tunc sint ibi cum Rotulis Recordis Indictamentis & aliis Memorand' suis ad fac' ea que ad separalia Officia sua p^{er}tinent Et quod tui p^{re}sentis

Ban. Reg. sis adtunc ibid^o ad faciend^o omnia que ad
 W Officium tuum ptinent Et habeas ibi no-
 mina p^odia^r Justie Coronato^r Seneschal^r
 Escheato^r Ballivo^r Libertat^r Pecnon Ca-
 pital^r Constabular^r unacum hoc p^ocepto sub
 periclo incumbente Dat^r sub sigillo Officii
 mei (tali die & anno, &c.)

A. B. Mil. Vic^r.

Dalt. 196. Wilk. Lat. 116.

Aliter upon the Gaol-delivery.

A. B. Mil. Vic^r, &c. Ballivo Hundredi
 de A. saltem Ex parte D^oni Regis tibi
 mando quod per totam Ballivam tuam
 publice p^oclamari facias delibac^r Gaole
 D^oni Regis Cast^r Cant^r essend^o coram J.
 L. Mil^r, &c. & sociis suis Justie D^oni Re-
 gis ad N^oms^r, &c. apud Castrum C. die
 Lune, &c. Et quod omnes illi conquer^r vo-
 lentes versus aliquos p^osonar^r infra Gaol-
 am p^odia^r ad locum p^odia^r ac 24 p^oso-
 bos & legales homines Hundredi p^odia^r de
 vicin^o in quibus aliqui p^osonar^r indicat^r
 arrestat^r vel appellat^r existunt unacum qua-
 tuor^o ho^ribus & prepositis cujuslibet Ville &
 loci in quibus p^osonar^r p^odia^r capt^r fuer^r q^u
 tunc sint ibidem parat^r ad audiend^o & fa-
 ciend^o, &c. Et heas ibi nomina Jur^r p^o Et
 hoc p^oceptum. Dalt. &c.

And upon Occasion may be inserted as follows :

Tibi etiam mando quod capias T. C.
 de J. (or has personas subscript^r) ita q^u
 Corpus ejus (or Corpora eor^u) habeas co-
 ram

ram Justic' p'dict' ad diem & locum p'dict' ad respondendū d'co D'no Regi de quibusdam trans & Contempt' unde indictat' existit (or indictati existunt) Et hoc, &c. Ban.Reg.

Tibi etiam mando quod Venire fac' has personas in Schedul' huius Warrant' annex' nominatas ita quod sint ad diem & locum p'dict' ad faciendū ea que eis adtunc & ibidem injungentur. Dalt. 196, 197, 198. where you may see the Form of Warrants by *non inventus*, &c. for summoning of a Special Sessions, &c.

And note, That if the Sheriff shall retorn any Jurors as aforesaid, without summoning or warning them by his Bailiff, he is therefore fineable.

A Sheriff's Warrant to summon a Jury upon a Writ of Enquiry of forcible Entry.

ff. N. F. Sheriff of the said County, To A. B. C. D. his Bailiffs, jointly and severally Greeting. These are to command you, and every of you, that immediately upon Sight hereof, you summon and warn all the several Persons whose Names are here-under written, so that they and every of them appear before W. B. Esq; and S. B. two of Her Majesty's Justices assigned to keep the Publick Peace in the County aforesaid, upon Thursday the Three and Twentieth Day of July next ensuing, at the Mansion-House of J. N. called the Swan in H. there at One of the Clock in the Afternoon of the said Day, to enquire upon their Oaths for her said Majesty, of a certain Entry by a strong Hand made in one Messuage, one Barn, one Garden, one Orchard, and eight Acres of Land, with the Appurtenances in H. aforesaid, against the Statute in that case made

Ban. Reg. made and provided (as is said) every Man upon Pain of twenty Shillings. Hereof fail not at your peril. Given under the Seal of my Office, &c.

A. B. Ar. Vic'.

A. B. de C.

C. F. de G.

H. J. de E.

Executio istius precepti patet in quodam pannello huic precepto annex'.

A. B. Ar. Vic'.

Kanc'.

The Panel annexed to the Precept.

*Hanc' ff. Nomina Jur' ad inquirend' p
Dño Rege in premisis in precepto huic
Pannello annex' mencionat'.*

W. H. de F.

L. M. de R.

*Quilibet Jur' pdia' separatim per se
M. est per*

Johem Doo.

Ricum Roo.

Exit' coꝝ cujuslibet 20 s.

A. B. Ar. Vic'.

Retorn of the Justices Precept to the Sheriff, to summon a Jury upon a Writ of Enquiry of forcible Entry.

*ff. Ego C. B. Ar' Vic' Com' pdia' W.
B. & S. B. Ar' Justic' Dñd Regis ad pa-
cem in Com' pdia' conservand' Assign' cer-*

tifico

The New Retorna Brevium.

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Ban.Reg.

tifico quod Virtute precepti p vos mihi in hac parte direct' Venire feci coram vobis apud H. in Com pdia' die Iovis vicesimo tertio die Julii pr' futur' ad domum Manconalem J. R. vocat' le Swan apud H. ibi de hora prima post meridiem ejusdem diei viginti & quatuor sufficient' & legales homin' de vicineto de H. in Com pdia' Quorū quilibet habet quadragint' solid' terrar' & tenement' p annū ad minus ultra repz' ad inquirend' super Sacram suum p dco Dño Rege de quodam ingressu manu forti facto in unum Messuagium unum Horreum und' Pomar' & octo accras terr' cum priū apud H. pdia' contra formam Statut' in hujusm' casu edit' & pvis' ut dicitur Qd' sup quemlibet Jur' in hac parte Impanelat' viginti solid' de exitib' ad p'fat' diem retornabi put pceptum vestrū in se exigit & requirit Quorū Juratoz nomina infra sequuntur Dat' sub sigillo Officii mei quint' die Junii anno decimo sexto Car' Regis secund'.

*A. B. Vic'.

The Panel of the Jury.

Nomina Jur' de quibus supra sit mentio.

A. B. de C.

E. f. de G.

H. I. de K.

L. M. de N.

O. P. de Q.

R. S. de T.

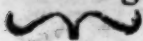
E. W. de X, &c.

Exit' eoz cujuslibet ————— 20 s.

A. B. Ar. Vic'.

It

Ban. Reg.



It is observed in *Dalt.* 372. That if the Sheriff (or any other Person of the County) do not attend upon the Justice or Justices of Peace, to go and assist him or them, to arrest such as shall make any forcible Entries into any Houses, Lands, or other Possessions, or any forcible Detainer thereof, he or they so offending shall be imprisoned, and pay a Fine to the King. 15 R. 2. chap. 2. 13 H. 4. chap. 7. p. Force 5.

Aliter Retorn. secund. *Dalt.* 307. to enquire of a Riot or forcible Entry.

Virtute istius precepti mihi directa' Venire fac coram Justic' infrascript' ad diem & locum infrascript' 24 p'bos sufficientes & legales homines de Balliva mea put interius mihi precipitur.

Residuum execucon' istius precepti patet in quada' Schedul' huic Warrant' annex'.
A. B. Ar. Vic'.

Nomina Jur' ad inquirend' p' Dño Rege de quibusda' illicitis aggregacionibus & Riotis, &c. apud Comission' Sumon' ad essend' Coram Justic' Dñi Regis apud L. in Com' p'dict' 23 die April' anno Dom' (&c.) secund' Exigenc' cujusdam Warrant' huic Schedul' annex'.

And then underneath are written down the Names of the 24 thus:

C. B. de L.

R. B. de eadem.

J. P. de H.

And of the rest.

Erit' eor' cujuslibet _____ 20 s.

A. B. Ar. Vic'.

Dalton 307, &c.

As

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Respons'.

Weg de Pros { J. D.
 A. A.

Sumonitozes infranoiat' } J. B.
J. S. (the Def.) } A. W.

But if the Tenant or Defendant be insufficient, then the Return is usually thus :

Responsio A. B. Vic. Com'. infra-script'.

Platz de xx { J. D.
H. H.

Infrañoiatus J. S. Nihil habet in Fal-
liba mea per quod (or unde) Sumonir' po-
test. Dalt. 194.

And there it is made a Quære, That if the Tenant have no Land whereupon he may be summoned, whether *Nihil* be a good Retorn, except he sayeth further, *non est inventus*, &c. for that the Defendant may be summoned by

H h

his

Ban.Reg. his Person, but then the Word Summon is usually changed to Attachiament, as in personal Actions, viz.

Infrañoiat' I. S. the Def. S. R.
Attachiatus est p Pleg. R. R.

Or if the Sheriff cannot find the Party; then thus:

Infrañoiat' I. S. Attachiatus est per una Dacram, &c. pretii 20s. but if this Word Attachiatus be wanting in any Retorn where the Party is attached, it is no good Retorn.

But if the Sheriff has no mind to make Execution of the Writ, then he usually retorns it thus.

Responsio A. B. Vic. Com. infraſcript'.

Infrañoiat' I. S. non invenit mihi pleg de pros.

And this may be better done when the Writ has this Clause in it, viz. *si A. B. fecerit se secur' de Clam suo psequend, &c.* for there the Plaintiff ought to find Pledges.

Or else he may retorn Tarde thus:—**Illud breve mihi delibat' fuit (or mihi venit) adeo Tarde quod ppter brevitatem temporis illud erequi non potui.**

And it seemeth that the Sheriff may retorn Tarde in every Writ, except in an Attachment, and in a Capias. But he must take care that these two later Retorns be true, otherwise he is punishable for his false Retorn.

The New Retorna Brevium.

In Hue and Cry.

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Ban. Reg.

Pleg de p^{re} { J. D.
 { R. R.

Sumon infrañoiat' homines inhabitad
in hundzed de C. in M. in Com infra-
script'.

E. H. Ar. Vic'.

Thes. Br. 142. Offic. Brev. 212.

The Sheriff returns, he was one of the De-
fendants, but could not summon himself.

Note, In a *Præcipe quod reddat* against T. W.
one of the Sheriffs of G. and two other, the
Sheriff returned, That they could not summon
T. Y. (one of the Sheriffs) which was sued, and
the Retorn was after this Manner.

Sum infrañoiat' C. M. J. D.
& J. R. J. R.

Et quoad Sum infrañoiat' C. M. Ju-
stic' infrascript' certifico Qd idem C. &
Ego C. M. jam un' Dic' Civit' C. sumus
un' & idem & non al' neque divers' Idco
ego p^{re}fat' C. & H. H. alter Dic' Civit'
p^{re}dia' meipm' secund' Exigent' istius b^{re}vis
Sumon non possum.

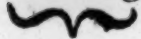
Respons' p^{re}ad. T. W. H. H.

And this was adjudged a good Retorn, anno
7 Eliz. Brownl. Rep. & vide Dalt. Offic. vic. last
pub. 193, 194. And see before Tit. Distringas.
See this also mentioned in Greenw. 232. Vide
ante Distringas.

H h 2

Retorn

Ban. Reg.

Retorn of a Summons in *Warrantia Carte*.

Ple³ de pro³ } J. D.
 } R. R.

Sund } J. J.
 } &
 } O. W.

Offic. Brev. 358.

Retorn of a Summons of four Knights, to choose others in a Writ of Right directed to the Coroners.

Sund infranominat' C. B. & W. B. J.
D. & R. D.

Executio istius brevis patet in quodam
Pannello huic brevi annex'

J. S. & E. D. Coronator'.

Vide postea.

Nomina quatuor Militum int' C. B.
Ar' Peten & W. R. teneo D. R. Mil J.
P. Mil G. W. Mil' Sund Mil' pdia' & co-
rum cujuslibet J. D. R. R. Manncap'
Sund pdia' & eor' utriusq' J. D. R. f.
J. D. R. S. Vide Brev. Judic. 381.

Retorn' Resum' in Ravishment de Gard ad
audiend' Retorn. & Judic'.

Virtute istius brevis mihi directa' 10 die
Aug anno regni Dni Regis Jac' nunc
Anglie, &c. 8 per J. S. & R. J. bonos
Sund resum' feci infranominat' J. B. &
R. S. quod sint coram Judic' infrascript'
ad diem & locum infracotent' auditur', &c.
put interius mihi p'cepitur, &c.

Retorn

Retorn of a Summons in Waste.

Pleg de Pros } J. D.
 } R. R.

Sund infranoiat' } J. P.
J. S. } W. f.

Et ulterius Ego A. B. Ar' Vic' Comd
infrascript' Justic' Dnd Regis infranomi-
nat' certifico quod post Sund scilicet deci-
mo die A. anno infrascript' existē die
Dominico immediate post divinum Ser-
vit' in Ecclesia Parochial' de B. infra-
spec' nulla p'dicat' adtunc ibidem existē
apud Maxime usual' osium Eccl'e Paro-
chial' ill' infra quam quidem Parochia
tenement' infrascript' jacent & existunt
proclam feci Sund p'dict' secund' forma
Statuti in hujusmodi Casu edit' & ps'.

A. B. Ar. Vic'.

Dalt. 290. Offic. Br. 200. Wilk. Lat. 124.

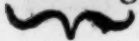
It is noted, That the first Summons must be
made upon the Land wasted, and after the She-
riff must proclaim the Summons at the Church-
door of the Parish where the House or Land li-
eth; and then he must make his Retorn of all
as above.

Also the Sheriff may retorn *Nihil* in a Writ
of Waste. Dalt. 290. vide postea Tit. Waste.

Retorn of a Summons *ad sequend. simul* against
two of the Plaintiffs in Error.

Virtute istius brevis nobis direct' p A.
B. & C. D. p'pos & legales homines de
H h 3 balliva

Ban. Reg.

Retorn of a Summons in *Warrantia Carte*.

Ple³ de pro³ } J. D.
 } R. R.

Sum } J. J.
 } &
 } O. W.

Offic. Brev. 358.

Retorn of a Summons of four Knights, to choose others in a Writ of Right directed to the Coroners.

Sum infranominat' E. B. & W. B. J.
D. & R. H.

Executio istius brevis patet in quodam
Pannello huic brevi annex'.

J. S. & E. D. Coronator'.

Vide postea.

Nomina quatuor Militum int' E. B.
Ar' Peten & W. F. teneo H. D. Mil J.
P. Mil G. P. Mil Sum Mil pdia' & eo-
rum cujuslibet J. D. R. R. Manucapt'
Sum pdia' & eon utriusq' J. D. R. f.
J. D. R. S. Vide Brev. Judic. 381.

Retorn' Resum' in Ravishment de Gard ad
audiend' Retorn. & Judic'.

Virtute istius brevis mihi direct' 10 die
Aug anno regni Dni Regis Jac' nunc
Anglie, &c. 8 per J. S. & R. J. bonas
Sum resum feci infranominat' J. B. &
R. S. quod sint coram Judic' infrascript'
ad diem & locum infracotent' auditur', &c.
put interius mihi precipitur, &c.

Retorn

Retorn of a Summons in Waste.

Pleg de Pros } I. D.
 } R. R.

Sum infranotiat' } I. P.
I. S. } W. F.

Et ulterius Ego A. B. Ar' Vic' Com
infrascript' Justic' Dnd Regis infranomi-
nat' certifico quod post Sum scilicet deci-
mo die A. anno infrascript' cristen die
Dominico immediate post divinum Ser-
vit' in Ecclesia Parochial' de B. infra-
spec' nulla pdicat' adtunc ibidem existend
apud Maxime usual' osium Ecce Paro-
chial' ill' infra quam quidem Parochia
tenement' infrascript' jacent & existunt
proclam feci Sum pdia' secundi forma
Statuti in hujusmodi Casu edit' & ps'.

A. B. Ar. Vic'.

Dalt. 290. Offic. Br. 200. Wilk. Lat. 124.

It is noted, That the first Summons must be
made upon the Land wasted, and after the She-
riff must proclaim the Summons at the Church-
door of the Parish where the House or Land li-
eth; and then he must make his Retorn of all
as above.

Also the Sheriff may retorn *Nihil* in a Writ
of Waste. Dalt. 290. vide postea Tit. Waste.

Retorn of a Summons *ad sequend. simul* against
two of the Plaintiffs in Error.

Virtute istius brevis nobis direct' p A.
B. & C. D. ppos & legales homines de
H h 3 balliva

Ban.Reg. balliba nra Sum fecimus infrañoiat' J.
 J. Ec. ad sequendū simulcum infrañoiat'
 E. put hzebe istud in se exigit & requirit.
 Respons' R. M. J. S. Vic'.

Sur Sumons in hzebi de Reao ubi Dic'
 Retorn' duos Mil' Et quia non sunt plur'
 Retorn' duos Armig.

Alitr. Qd non sunt aliqui Mil' sed Sum
 quatuor Ar' gladiis cinctos. Brev. Judic. 265.

Retorn' Sum' ad Warr'.

Dictute istius hzebis mihi direct' 6 die
 Sept' anno regni Dno Eliz. 32. infra-
 script' existen' die dinco ad maxime usual'
 ostium Eccle Parochial' de M. infra-
 script' immediat' post divinum servitium nul-
 la pdicatione in Ecclesia illa eodem die ex-
 isten' Proclam feci secund' formam Statuti
 inde nuper edit' & p'obis quod infranomi-
 nat' E. sit coram Justic' infrascript' ad
 diem & locum infracotent' ad Warr' in-
 franominat' A. Tenementa infrascript'
 cum p'tin' prout interius mihi p'cipitur.
 Brev. Judic. 273.

Retorn' Proclam Sum per 14 dies ante
 Retorn' hzebis de Sum. Id. 275. In Kitch.
 257. It is noted, That the Defendant ought
 to be summoned 15 Days before the Retorn.

Summons & Severance Exec' Retorn' inde sur
 Non omittas.

Sum infranominat' J. A.
 E. C. J. W. S.

Residuum

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Ban. Reg.

3

Defendant.

Secunda Superoneratione.

By the Statute 13 *Ed. 1.* upon a Writ *de secunda Superoneratione Pasture*, the Sheriff in the Presence of the Parties being summoned, if they will come, shall enquire of the second *Surcharge*, which if it be found, it shall be returned before the Justices, under the Seal of the Sheriff, and Seals of the Jurors. *Vide Dalt. 283.*

And the Sheriff may remove or drive away from off the Ground the Cattell so furcharging; and may seize them for the King as forfeit, and to keep or sell them, and answer the Price.

Superfedeas.

Vide ante Ca' Sa' Et vide Kitch. 248, 264. Et ante Tit. Exigent. Et Extent, Raft. 596.

Trespass.

Return of an Original in Trespass, where the Defendant is insufficient.

Pleg de pros' } T. D.
 } C
 } R. R.

Infranominat' H. B. & C. D. Nihil ha-
bent in balliva mea p quod Attach (vel
H h 4 Distring)

And if there be more than two, then thus:

And it is observed, That *Nihil habet* is a good Return in Trespass without saying, *neque huius die quo*, &c.

If the Defendant be sufficient then the Return may be thus.

Pleg de Pros' } J. D.
 } E.
 } H. H.

Or thus: — *Infrānoiat' N. B.* { *A. C.*
Attachiat' est per Pleg. { *B. D.*

Aliter.

Infrañoiat' H. B. Attachiatus est per unū bobem precii 20s. for an Attachment may be by Pledges or Goods. *Vide ante Cap. alias & Pluries, & vide Offic. Brev. 196.*

Return of a Writ of Inquiry of Damages in Trespafs.

Executio istius hzebis patet in quadam
Inquisitione huic hzebi annex'.
ff. Inquisitio (& ut in al) qui dicunt
super Sacram suu quod M. B. in dco
Hzebi noiat' sustinuit damna occasione trans-
gre' in eodem hzebi ad 20 s. Et p missis &
custag

custag' suis p ipm circa sectam suam in ea Ban. Reg. parte appoit' ad 8d. In cuius rei Testimonium, &c. Vide Wilk. Lat. 140.

Aliter.

Inquisitio, &c. Qui dicunt super Sacram suu Qd m. B. & N. Ur' ejus in dco brevi noiat' sustinuer' dampna occone trans' in eodem brevi spec' ultra mis' & custag' sua per ipsos circa Sectam suam in hac parte appoit' ad 40s. Et p mi' & Custag' ill' ad 13s. 4d. In cuius rei Testimonium, &c.

Aliter in Cas'.

Qd pdia' C. C. sustinuit dampna occone pmiss' pdia' ultra mis' & Custag' sua per ipm circa sectam suam in hac parte appoit' ad 65l. Et p' mis' & Custag' ill' ad 40s. &c.

Note, That in this Writ to inquire of Damages in Trespas, the Jury cannot find that no Trespas is done, neither may the Sheriff make such a Retorn.

But if the Jury will find no Damages, the Sheriff may make his Retorn, That the Jury found or gave no Damages. *Dalt. 285. Abridg.*

183.

Tarde. Vide ante.

N. Istud breve adeo Tarde mihi deliberat' fuit Ita quod propter brevitatem tempo-

Ban. Reg. temporis Execucionem inde facere non potui
 prout interius mihi precipit.

A. B. Ar. Vic'.

Tarde super Breve Distring' Jur'.

¶ Quoad Distring' A. B. & al' Jur' in-
 frascript' Istud breve adeo Tarde mihi
 deliberat' fuit quod illud propter temporis
 brevitatem exequi non potui Resid' Execu-
 tionis istius brevis patet in quodam Pa-
 nello huic brevi annex'.

A. B. Ar. Vic'.

Aliter.

¶ Quoad Distring' infrañoiat' A. B.
 ceterosque Jur' infrañoiat' breve istud adeo
 tarde mihi deliberat' fuit quod ppter tem-
 poris brevitatem nullam inde Execucionem
 facere potui sed quoad apponend' decem ta-
 les unde infra fit mentio executio inde pa-
 tet in quodam Pannello huic brevi annex'.

Nomina decem talium.

A. B. C. D. &c.

A. B. Ar. Vic'.

Vastum pone inde.

¶ Infranominat' A. C. Ar' Attach' est.

Per Pleg' { W. D.
 { A. B.

A. B. Ar. Vic'.

Suma

Sum' in Vasto.

Pleg' de Pros' { R. W.
I. S.

Sum' { W. D.
R. D.

Vid. ante tit. Sumon.

A. B. Ar. Vic'.

Venditioni exponas ubi pars Bonor' & Catal-
lor' reman' invendit'.

*ff. Virtute, &c. exposui ad venditionem
de bonis & catallis infrascript' ad valen-
tiam viginti librar' quos quidem denar'
coram Dño Rege infrascript' ad diem & lo-
cum infracontent' parat' habeo prout in-
terius mihi pcepit' Et resid' bonor' & ca-
tallos p'dict' adhuc remanent in manibus
meis invendit' pro defeau emptor' ita qd'
viginti & quinque libras resid' de infrascript'
quadragint' & quinque libz' coram Dño Rege
infrascript' ad diem & locum infracon-
tent' habere non possum secund' exigen' istius
brevis. Offic. Brev. 227. Vide ante in
Canc' & Scaecario & Tit. Fieri fac. Kitch. 270.*

*Note, That upon a Venditioni exponas sur
Fieri fac, the Sheriff retorn'd, Qd cepit
de bonis le Def. certain Goods ad valenc,
&c. ad quod non invenit emptores, where-
upon issued forth a Venditioni exponas, and
the Sheriff returned quod bona non fuer' cap-
ta per ipsum sed per quendam C. S. nup
Vic' pdecessorem, &c. Ideo bona illa
Vendi-*

Ban. Reg. Vendiçioni exponere non potuit; and this was held a good Retorn, and thereupon a Distringas nuper Dic^{us} was awarded, ita quod bona illa Vendiçioni exponat & denar^{us} inde prode- nien^{tem} deliberari fec^{it} p^{ro}fat^{ur} nunc Dic^{us} Cū ipse Dic^{us} denar^{us} hic coram Justic^{ia} habere possit, &c. Ad reddend^{um} p^{ro}fat^{ur} Quer^{us} debi- tum & dampna sua, &c. Fitz. Process^{us} 99. Dalt. 286.

Vendiçioni exposui nullos tamen Emp^{to}res invenire potui sed bona & catalla illa penes me adhuc remanent invendit^{ur} p^{ro} defectu emptorum. Vide Clift. Ent. 860.

Venire Facias.

Venire fac^{it} & Distringas.

Venire fac^{it} Clericum. Rast. 41.

Cū sequestrabit de fructibus Rectorie 3 s. 4 d. & ipm^{um} citari fecit, &c. Id. 41. bis.

Simile Et quod Clericus invenit ei Pleg^{us}. Ibid.

Venire fac^{it} Jur^{us}.

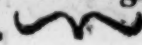
Decem tales ubi Dic^{us} virtute brevis mandabit Capit^{us} Sen^{atus} libertat^{is} de Burp^{us} qui Retor^{um} decem tales quor^{um} nul^{lus} ven^{it}, &c. Et Distringas agard. Clift. 744. simi- le 747.

Aliqui Jur^{us} non compuer^{unt} tales ult^{us} Jur^{us} extrahitur & decem tales agard Dic^{us} retor^{um} tarde Distringas. Ibid.

Dic^{us} retor^{um} Tarde quoad Distringas prio^{rum} Jur^{us} sur Process^{us} continuat^{ur} p^{ro} Act^{us} Part^{is}

The New Retorna Brevium.

477

Parl post dimissionem Dñi Regis Jacobi Ban. Reg.
secund sed apposuit decem tales, &c. Id. 
746. simile 149. simile 750. simile 751. simile 754.

Venire fac agard en Dunelm & Re-
tozn. 1 San. 72.

Distingas Jur'. Vide ante Tit eund.

Retoznd Distingas Jur' & decem talium.
Clift. 755, &c. (viz.)

To be endorsed on the Writ.

Execuco istius bzis patet in' quoda
Pannello huic bzvi annex'.

C. A. Bar. Vic'.

The Panel.

N. ff. Nomina Jur' int' G. P. Quer'
& T. C. nuper de L. Ar' de placito trans'
& Ejecton firme.

A. P. de C. Bar'.

F. B. de A. Bar'.

And so write all that are named in the Writ
one under another.

And after that, then write thus :

Quilibet Jur' p'edict' per se separa-
tim manucaptus est per

Johannem Doo.

Ric. Roo.

Erit' eoz cujuslibet ———— 40 s.

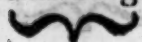
And then as followeth :

N. ff. Nomina decem alioz Jur' in Ju-
ram p'edict' int' partes p'dict' de p'dict'
placito post'.

J. C. de M. Ar'.

S. F. de S. Ar'.

T. D.



The New Retorna Brevium.

C. D. de O. Gen.

H. P. de B. Ar.

E. P. de M. Ar.

C. S. de R. Gen.

H. P. de O. Ar.

L. B. de S. Ar.

G. H. de B. Ar. &

T. R. de P. Ar.

Quilibet eorundem decem Jur' in Iu-
ram p'dia' sic possit per se separatim At-
tach est per

Jo. Denn.

&

Ri. Fenn.

Venire
fac. Def.
& Nihil
inde.

Venire facias Jur' Habeas corpus & Distring' Jur'.

ff. Infranominat' R. A. & ceteri infra-
script' Nichil habent in ballida mea per
quod Attach possunt. Offic. Brev. 408.
Greenw. 224.

Aliter.

Virtute istius brevis mihi direct' Ve-
nire fec' coram Dño Rege apud Westm ad
diem infracentent' J. B. sicut interius
mihi precipitur. Kitch. 265. b.

Pleg de Pros' { W. D.
J. S.

A. B. Ar. Vic'.

Aliter

Aliter & Venire feci.

Virtute istius brevis, &c. Venire feci infrascript' J. S. coram, &c. ad diem infracontent' put interius mihi precipitur.

Infrascript' J. S. Attach { J. F.
est per Pleg, &c. { A. D.

Aliter.

Infrascript' J. S. Attachiatus est essendi coram Justic' infrascript' (tali die, &c.) ad certificand' secund' formam hujus brevis. Dalt. 286. Abridg. 183.

Pleg { P. R.
J. W.

Upon such a *Venire facias*, if the Defendant be sufficient, the Sheriff may return him summoned or attached. Dalt.

Venire facias versus Parem.

ff. Sum' infranominat' A. { W. D.
Comit' hanc per { A. S.
A. B. Ar. Vic'.

Offic. Brev. 210.

Return of a Writ of *Venire facias Clericum*.

Responso Johannis Epd' L. infranominat'.
Virtute istius brevis Justic' infrascript'
certificamus ad diem & locum infracontent'
qd

The New Retorna Brevium.

Ban. Reg. qđ C. C. infranominat' Attach est p Pleg
 J. D. & R. M. Et ulterius eisdem Justic
 certificamus quod nullum aliud breve de
 Venire fac' Eticum versus p'lat' D. p'ec'
 istud breve nobis unquam deliberat' fuit.

Venire facias Jur'.

Executio istius brevis patet in quodam
 Panello huic brevi annex'.

A. B. Ar. Vic'.

Nomina Jur' int' J. C. Quer' & D. C.
 Def. in Placito transg't, &c. (or Debi as
 the Case is).

Then Write down the Names of Twenty-
 four Jurors thus.

A. W. de C. Gen.

P. C. de W. Peom.

P. R. de B. Peom.

And so of the rest to the Number of 24.

Quilibet Jur' p's se separat' Ma= J. D.
 nuncapt' or rather (Attach) est p Pleg. & R. M.
 A. B. Ar. Vic'.

The Sheriff of Necessity must retorn 24 Jurors
 of such as dwell within the Shire.

And he must retorn their Names, and certain
 Additions in a Schedule or Panel.

And he must not retorn *Venire fec'*, &c. but
 as above, *Executio istius brevis*, &c. He
 ought not to retorn the same Person which pas-
 sed in a former Inquest for the same Cause; and
 it is said to be Error, if any of them be mis-
 named, upon the *Venire fac' Jur'* he retorns no
 Issues, but upon the *Distringas* or *Habeas cor-
 pus Jur'*, he must retorn Issues.

And

And if the Parties shall admit a Visne, (or Ban. Reg. such a Town to be) although there be no such Town; yet the Sheriff may not return that there is no such Town, but he ought to make his Panel *de Corpore Com.* Dalt. 286. Abridg. 183; 184, &c. Greenw. 224. Wilk. Lat. 135. Vide ante Tit. Attaint.

Habeas Corpora Jur'.

Executio istius brevis patet in quodam Panello huic brevi annexo.

A. B. Ar. Vic'.

Nomina Jur' int'. &c. as before upon the Venire facias.

Quilibet Jur' p'd p se se J. D. parat' Manu captus est per H. R.

Exit' eor' cujuslibet — 10s.

Here Issues must be returned upon every Juror.

Quilibet Jur' p'dia' separat' J. D. Attach est per Fleg' H. R.

Exit' eor' cujuslibet — 10s.

A. G. Ar. Vic'.

Brev. Judic. 264. Kitch. 265. b.

And where the Old Sheriff return'd a Juror in Issues, the next Sheriff may not return him *Nihil*.

Also the Sheriff must return them attached, and not *quod habeat corpora eor'.*

And if any of the Jury be dead, the Sheriff may return them *mortuus*. And if after a *Distring'*

San. Reg. *string' Jurat'* or a *Decem tales* shall go out, the Sheriff may return that others of them are dead, And he may return *Manuceptores* (or *Pledges*) upon the Jurors, as above, &c.

Quilibet Jur' p'd p se separat' J. D.
Manucept' est per Pleg'. **J. R.**

Kitch. 265. b.

Retorn de *Distringas Jur'*.

Executio istius brevis patet in quodam Panello huc brevit annex'.

[And then return the Names of the Jurors,
ut supra.

Manucepto Jur' p'd J. D.
Eorum cujuslibet. **J. R.**

Erit eorum cujuslibet 10s. or more according to the Statute. See for these *Dalt.* 286. &c. and the *Abridg.* 185, &c. *Greenw.* 225. *Wilk. Lat.* 135.

It is also noted, That the Sheriff ought to return Pledges of the Manuceptors as followeth:

Quilibet Manucepto p'd J. S.
Attach est p Pleg. **J. R.**

So that upon the *Distring' Jurat'*, the Sheriff must return the Names of the Manuceptors of the Jurors. And Issues upon the Jurors, and also the Names of the Pledges of the Manuceptors, and that without all these the Process is not served.

If the Sheriff return *Nihil habet*, &c. upon one of the Jurors, this is not good.

The

The Sheriff retorn'd, That as to some of the *Ban Reg.* Jurors he served the Writ; and as to the rest *Mandavi Ballivo Libertatis, &c.* But the Sheriff was amerced, for that the Writ could not be served by two.

But upon the *Distringas Jur.* the Sheriff may retorn *Tarde.*

Quoad distringendū J. M. & alios Jur' infrascript' essend' coram Justic' ad diem & locū infracent' istud breve adeo Tarde mihi liberal' fuit quod propter temporis brevitatem Executionem inde facere non possum ad presens Sed de novo apposui decem tales (vel octo tales) prout in isto brevi mihi precipitur.

A. B. C. D. E. F. &c.

And it is further noted, That upon a *Habeas Corpor' Jur.* and upon the *Distringas Jur.* the Sheriff ought to retorn the Names of all that were in the *Venire facias*, and if any of them be dead, he may retorn them *mortuus.* *Offic. Brev.* 225. *Kitch.* 267.

And upon the *Habeas Corpor' Jur.* as also upon the *Distring. Jur.* the Sheriff must retorn reasonable Issues according to the Statute in that behalf. *Ibid.*

Retorn' Panel de Circumstantibus.

Domina Jur' de Circumstantibus de novo apposit' int' J. S. quer' & M. B. Def. iuxta formam Statuti in hujus Casu edit' & pvis N. B. C. D, &c.

Aliter.

Domina Jur' de Circumstantibus de no-
 vo impanellat' & retord per mandari'
 Justie ad requisitionem quer' pro defuncto Jur'
 superius nominat' modo comparere secundum
 formam Statuti nup inde provis' A. B. &c.

Manue infrañoiar' }
 J. F.
 J. D.
 A. A.

Erit' ————— 4s. 4d.

Vide Kitch. 266. b. vide Retorn of Jurors,
 &c. Greenw. 239. Dalt. 308, &c. chap. 87. Dalt.
 Abridg. 197, &c.

De Ventre inspiciendo Retorn inde secundum
 Offic. Brev. 409.

Et Die videlicet A. F. & C. M. modo
 mand' qd' ipd' virtute brevis p'dia' 26 die
 febr' ult' p'terit' assumpt' secum duode-
 cim discreet' & legalib' Mil' de Civit' p'd'
 videlicet J. C. J. B. (&c.) & duodecim
 discreet' & legalibus Mulieribus de Civit'
 p'dia' J. A. H. J. C. (&c.) in p'p'is p-
 sonis suis accesser' ad p'fat' H. que fuit
 Hroz p'dia' J. C. Jun' defuncta' Et tunc
 H. p'dia' E. D. & eam a p'fat' mulieribus
 coram p'fat' Militibus videri & diligent'
 examinari & tractari fecer' p' ubera & ven-
 trem in omnibus modis quibus melius
 certiorari potuissent utrum impregnat' sit
 necne Post quam quidem Inquisitionem in
 ea parte die & Anno p'dia' facta' Mulieres
 p'd' invener' ipsam H. impregnat' Et quod
 eadem Mulieres dicunt Qd' viginti heb-
 domada;

domadas a die dat' Inquisitionem pr' sequen^{Ban.Reg.}
 vel eo circiter credider' ipam D. fore pari-
 turam Unde iidem Iustic' hic ad hunc di-
 em Scire fec' evidenter & distinte per Li-
 teras suas sigillat' & per duos Milites,
 viz. J. C. & J. B. ex ips' qui Inquisi-
 tionem ill' interfuer' ut cognit' inde veritate
 quod justum foret idem Dñus Rex nunc
 faceret, &c.

Warr' Vic' in Replevin.

J. B. Bar' Dic Com p'dia' Ballivo
 Hundred de M. saltem Quia A. B. invenit
 mihi sufficien^m securitat' tam de clamore suo
 p's' qm de averiis suis videlicet tres vac-
 cas quas C. D. & E. F. ceper' & injuste
 detinuer' ut dicitur retornand' si retorn' in-
 de adjudicetur. Ideo ex parte Dñi Regis
 tibi mando quod repleg' & deliberar' fac' p-
 fat' A. B. averia sua p'dia' Et quod pon
 per vad' & salvos pleg' p'dia' C. D. & E.
 F. Ita quod sint coram me vel sufficien^m
 deputat' meo ad pr' Com meū tenend', &c.
 Offic. Brev. 222.

Aliter.

J. D. P. Ar' Dic Com p'dia' A. B. C.
 D. ballivis meis conjunctim & divisim sa-
 lutem quia J. L. venit coram me & inve-
 nit mihi sufficien^m securitat' tam de clamore
 suo prosequend' quam de uno spadone colo-
 ris albi p'cii septem librar' quem C. B. ce-
 pit & injuste detinuit ut dicitur contra
 vad' & pleg', &c. retornand' si retorn' adju-
 dicetur inde Ideo vobis & utriq' vestrum

Ban. Reg. ex parte *Und* Regis mando quod *pblic*
spadonem prefat' *I* sine dilacione repleg
 & deliberat' fac' & pon' p vad' & saldos pleg
 prefat' *C. B.* Ita quod sit coram me vel
 sufficiend' deput' meo ad p'or' Cur' Comd p-
 dia' tenend' ad respondend' prefat' *J. L.*
 de placito captonis & iniuste detencionis
 spadonis p'dia' Et habeat' ibi hoc prept'
 dat' primo die Julii anno decimo tertio
 Regni Regis Caroli Secundi. *Offic. Brev. 222.*

Obligatio sur Replevin.

ff. Proberint universi p presentes Nos,
Ec. teneri, Ec. D. M. Bar' Dic Comd p-
dia' in quadragint' libris, Ec. solvend ei-
dem Dic', Ec.

The Condition of this present Obligation is
 such, That if the above bounden *J. L.* do ap-
 pear at the next County-Court to be holden at
P. in the said County, and then, and there do
 prosecute his Action with Effect against *T. D.* for
 the wrongful Taking and Detaining of his Cattel,
 (*viz.*) of one Gelding, as is alledged; and do
 also make Retorn thereof, as shall be adjudged by
 Law: and also do save, keep harmless, and in-
 dempnified the above named Sheriff, his Under-
 Sheriff and Bailiffs, for, touching and concerning
 the Delivery of the said Cattel, That then this
 Obligation to be void, &c.

Sigillat' & deliberat'

in presentia.

Offic. Br. 222.

Waste.

Waste.

Retorn of a Summons in Waste.

After the Summons, &c. if the Defendant appear not, there shall go out an Attachment, and after that a Distringas: And after the Distress, upon the Default of the Defendant not appearing, there shall go out a Writ to the Sheriff to enquire of the Waste, &c.

That upon the Attachment or Distringas, the Sheriff may retorn the Defendant *Nihil habet*, &c. upon which Retorn also a Writ shall go out to enquire of the Waste.

Also in Waste at the Distringas, the Sheriff retorn'd that the Defendant was distrained, and retorn'd two Mainpernors, and for that the Defendant appeared not, a Writ went out to enquire of the Waste, which being found, the Plaintiff recovered. And the Defendant brought his Writ of Disceit against the Sheriff, for returning that he was distrained, whereas he was not.

Retorn' del breve ad Inquirend' de Vasto.

Virtute istius brevis mihi direct' Ego A. B. Ar. Vic. Com. pdict' (tali die & anno) in prop' persona mea accessi ad Tenementa bastata, or ad locum bastatum in dco brevi specificat' Et apud D. (scilicet the Town, or one of the Towns wherein the Tenement or Place wasted lieth) feci Inquisitionem, &c. put istud breve in se exigit & requirit.

A. B. Ar. Vic'.

Ban. Reg.



Actus Execucionis isti? brevis patet in
quadam Inquisitione huic brevi annex.

An Inquisition upon a Writ of Waste.

ff. Inquisitio indentat' capi' apud D.
in Com' predicta' decimo die Sept' anno
regni Domini nostri Ca' secund' Dei gracia
Anglie Scot' Francie & Hibernie Regis
fidei Def. &c. duodecimo coram, &c. per
Sacram (&c.) qui Jurati & onerati super
Sacram suum dicunt quod f. S. in eo-
dem brevi nominat' fecit vastu' vendico-
nem & destructionem in tenementis in brevi
pdia' mencionat' in terris videlicet in sodien-
do in quadraginta acris terre in brevi pd'
mencionat' Centum & viginti carecat' Ar-
gilli Anglice Clay pccii cujuslibet carecat'
inde unius denar' in toto attinere ad des-
rem solidos ac Argillum & terr' ill' capi-
end' & vendend' Accetiam in Domibus vi-
delicet permittendo Messuagium in diao
brevi mencionat' pccii tresdecim librar' &
Horreum in eodem brevi mencionat' viginti
& quinque librar' & stabulum in eodem brevi
specificeat' pccii quinque librar' devenire & stare
discepi' p defectu regulacionis & stipulaco-
nis eorundem Messuagii Horrei & stabuli p
tempestates pluviales super ill' descendend' &
p vim venti sup' ill' affluend' putrid' debener'
& corrupt' ac Messuagium & Horreum ill'
ratione putredinis & corruptionis ill' ruine
minabantur ac stabulum illud ratione inde
ad terram penitus corruit. Et Jur' pdia'
super Sacram suu' pd' ulterius dicunt qd'
pdians f. null' al' fecit vastum vendico-
nem & destructionem in Tenementis pdia'
in

in brevit p̄dicto specificat' In cuius &c. Ban. Reg.
Vide Offic. Brev. 237, &c. Kitch. 272. Compl.
Sheriff 394, &c.

Aliter secund. Dalt. 291.

Resid. Execucionis istius brevis patet in
quadam Inquisitione huic brevi annex'.

Inquisitio, &c. qui dicunt sup Sacram
suum qd̄ p̄d. H. A. & J. ur' ejus in dco brevi
nōiat' fecer' vastum venditionē & destructi-
onē in omnibus in eodem brevi spec, viz.
Permittendū unam Mulam precii 40 s. duas
Cameras precii 3 l. & unum stabulum pre-
cii 20 s. esse discooperta p̄ defectū reparacōnē
causandū domorū & per tempestates pluvia-
les super illē descendendū devener' putridū &
corruptū, &c. contra formam p̄visionis in
eodem brevi content' Et ulterius Jur' p̄d.
super Sacram suum p̄dictū dicunt quod H.
& J. aliud neq; plus vastum venditionem
seu destructionem fecer' in domibus p̄d. In
cuius rei Testimonium, &c. Wilk. Lat.
139. Kitch. 272. Vide Etiam. Brev. Judic 270.
simile infra Libertat' sur Judgm' per defectū.

Aliter secund. eundem. Ibid.

Inquisitio indentat' capt' apud G. in
Com C. (tali die & anno) coram W. L.
Die Com p̄dē virtute brevis Dñi Regis
eidem Die inde direct' & huic Inquisitionē
consul' p̄ Sacram H. B. (&c.) qui dicunt
super Sacram suū qd̄ H. A. in dco brevi
nominat' fecit vastum & destructionem in
bosco in quo in brevi p̄d. fit' mencō & in
bosco p̄dictū succidit 20 quercus precii cuius-
libet

Ban. Reg. libet 20 d. part' inde vendend' & part' inde
 asportand' ad exheredationem **W. R.** infra
 script' Et contra formam pvisionis in eo-
 dem brevi pbrificat' Et dicunt super Sa-
 cram suum quod p'dia' **R.** nullum majus
 Vassum in bosco p'dia' fecit put eis aliquo
 modo constare potest In cuius rei testimo-
 niu, &c.

Aliter secund. eundem.

Inquisitio (cc.) Qui dicunt super Sa-
 cram suum **Ed. R.** in brevi p'dia' no-
 minat' fecit vassum vendition' & destruc-
 tion' in centis terris & boscis in brevi p'di
 spec' videlicet In p'mittend' aulam, &c. in
 brevi p'di spec' discoopi' Per quod grossum
 maeremium eandem domon per tempestat'
 pluviales super illas descendend' putrid' de-
 vener'. &c.

It is noted, That in this Writ to enquire of
 Waste, the Sheriff is made a Judge of the Cause,
 and therefore he must go in Person to the Place
 wasted, &c. to view the same Waste.

And though it be within a Franchise, yet he
 ought himself to enter the same, and to execute
 the Writ, and may not return *Mandavi Ball. Li-
 bertatis.*

And if the Places wasted lie in several Towns,
 yet he (together with the Jury) must go to eve-
 ry Town, and to every Place wasted to view
 the same, or at least he must cause the Jury, or
 some of them to go and see the Waste, and then
 he may make his Inquiry in any one of the
 Towns where the Waste was committed or as-
 signed, and his Inquisition taken at one of the
 Towns will serve for all.

Also he must make his Return, **Ad virtute
 brevis, &c. accessit ad Centa or loca vasta-
 ta**

The New Retorna Brevium.

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ta (scilicet) to all the Towns in which the Waste was assigned, and at *A.* being one of the Towns fecit Inquisitionem, &c.

Waste committed in *A. B.* and *C.* The Sheriff must Return quod accessit ad Centa infra-scripta.

He may not return quod accessit ad Villam, but ad locum.

And where the Sheriff shall do his Office well in one Town and not in another, a new Writ must be awarded, and all enquired of de novo, for all the Inquisition must be made at one Time, and by one and the same Jury.

See more concerning this in *Dalt.* 290, 291, &c. *Abridg.* 187, 188, &c.

When the Sheriff has made his Enquiry, he must return the Inquisition before the Justices of the Common Pleas, and the single Value of the Waste, and then the Justices will tax the Waste, &c.

And the Jury are to find as well the Waste committed before the Writ purchased, as the Waste made after.

And the Defendant may come and have his Challenge to the Array, although that the Inquisition be taken by Default.

Retorna brevis de Inquisitione in waste Et Judic' superinde. Clift. 823. Vide Co. Entries. 696.

Retorna Original' Pone & Distr' in Waste; secund. Clift. 824.

Pleg de Pros { *J. P.*
 { *A. R.*

Summonitoꝝ infrañoiat' { *J. C.*

J. S.

{ *H. M.*

Et ulterius Justic' infra-script' certifico quod post Termin' p̄dict' scilicet 20 die Oc-

Ban. Reg. tob *Ala. infra script' existē die Dip̄a*
immediate post divinum servitium in Ec-
clia Parochial S̄e Marie de Burp S̄i
Edm̄ infra script' null' predicatō ad tunc
& ibidem existē apud maxime usual' osti-
um Eccle Parochial ill' infra quam qui-
dem Paroch Cēta infra script' jacent Pro-
cland feci Sum̄ predict' secund' formam
Statut' in hūmoi casu edit' & probis'.

E. S. Ar. Vic'.

Infrañoiat' S. A. Attach est per pleg
scilicet.

Disrinḡ Gietoz D Crō Trid 7 Maii, &c.
anno secundo.

Manu capt' infrañoiat' S. A. } G. W.
and
fi. fi.
Erit' — — — 13 s. 4. d.

Retorn of the Writ of Enquiry in Waste.

Virtute Brevis Dom' Regis mihi direct' Ego
 A. B. Armig' Vic' Comitat' predict' (tali
 die & anno) in propria persona mea accessi ad
 Locum vastatum in directo Brevis nominat'. Et
 apud S. (the Vill wherein the Place lies) feci In-
 quisionem, &c. prout istud Breve in se exigit &
 requirit.

Resid' Executionis istius Brevis patet in qua-
dam Inquisitione huic Brevis annex'.

Inquisitio indentata capt' apud G. in Com', &c.
(tali die & anno) Coram A. B. Vic' Comitat'
prad' Virtute cujusdam Brevis Domini Regis ei
inde direct', & huic Inquisitioni consut' per Sa-
cramentum A. B. &c. (ad numerum 12) qui di-
cunt super Sacramentum suum qd' J. R. in Brevis
prad. &c.

prædict' nominat' fecit vastum venditionem & de-Ban. Reg
structionem in omnibus in eod' Brevis specificat',
viz. permittend' duas cameras pretii 3 l. & unum
stabulum pretii 20 s. esse discoopertum pro defectu
reparationum earundem domorum per quod grossum
maerem eorundem Dom' per tempest' pluviales super
illas descendentes putrid' devenit. Et dicunt su-
per Sacramentum suum qd' præd J. R. aliud ne-
que plus vastum venditionem seu destructionem fe-
cit in domibus præd'. In cuius Rei Testimoni-
um, &c.

Of the Enquiry of Waste.

This Enquiry of Waste differs from other How it
Writs of Enquiry, which are but meer Inquests differs
of Office: But here it is a Verdict, and in Na- from o-
ture of a Verdict, and a Writ of Attaint lies. ther writs
Therefore where upon a Writ of Enquiry of of Enqui-
Waste, Thirteen Jurors were retorn'd, where Jurors.
there ought to be but Twelve, it is Error. But
in other Writs of Enquiry, it is usual to have
more than Twelve, at the Sheriff's Pleasure ;
there must not be under Twelve, though it be
but an Enquest of Office ; for it is taken *sans mise*
des parties, id est, without Issue joined. In a
Writ of Enquiry of Waste upon Demurrer or Upon De-
Nihil dicit, the Sheriff may enquire of it at murrer,
another Place than where the Waste was done. &c.
Cro. Car. 414. King and Frith. 2 Inst. 390.

Wiher-



Withernam.

Vide ante Tit. Capias in Withernam & Tit.
Replevin. Nihil.

Infrascript' J. H. nulla habet Aberia
in Balliva mea que in Withernam capere
possum secund' exigenc' hujus brevis.

Aliter.

Infrascript' J. H. nulla habet bona ca-
talla nec aberia in balliva mea que in Wi-
thernam capere possum secund' exigenc' hu-
jus brevis nec aliud habet in balliva
mea p quod potest Attachiari nec est in-
vent' in eadem.

Aliter.

Nulla sunt bona neq; catalla in balliva
mea infrascript' J. H. que in Withernam
Capere possum Et ideo prefat' J. H. Ma-
nucaptus est p J. D. & R. R. Dalt. 295.

Cepi retorn'd.

Virtute istius brevis, &c. Cepi duas de
Aberis infrascript' J. S. ad valenc, &c.
(or duas patellas ereas de bonis infra-
script' J. S.) & ea W. B. infrascript' de-
liberari feci in Withernam salvo Custodi
quousq;

quousq; p̄ J. S. catale p̄dia' M. B. de Ben. Reg. liberare voluer' put istud breve in se erigit & requirit. Vide Wilk. Lat. 141. Et ulterius nulla habet alia bona, &c.

After.

Virtute, &c. Cepi in Withernam duas hobilas de Aberis infrañotat' J. S. que Aberia duci feci ad M. in Com p̄dia' salvo & secure ibi Custodi' secund' exigenc' istius hris. See Dalt. Abridg. 191. Greenw. 231.

And it is made a Quere upon a *Nihil* retorn'd, whether the Sheriff may attach the Defendant without some special Clause in the Writ.

The Sheriff also may retorn *Tarde* upon this Writ.

And he may either deliver the Beasts, or Goods taken in *Withernam* to the Plaintiff to keep, or may keep them himself, or may drive or send them to any Place within his County to be safely kept.

J. Virtute, &c. Cepi in Withernam apud D. in Com infrañotat' 2 Vaccas, &c. de Aberis infrañotat' J. D. & duas Vaccas de Aberis R. C. infrañotat' ad valenc', &c. que quidem Aberia p̄dia' ab inde fugere & duci feci in quendam locum apud S. in Com p̄dia' salvo & secure ibidem Custodiend' secund' exigenc' istius brevis ubi Aberia p̄dia' incumbunt Et J. D. & R. C. nulla habent plur' sive alia Aberia ad presens in balliva mea que ullo modo in Withernam capere possum put

intenc'

Ban. Reg. interius mihi precipitur. Dalt. 295, vide Kitch. 263.

The Sheriff may return, that he did not deliver the Cattel to the Plaintiff, for that he was not in the County.

And though the Replevin be of Pots or Pans, &c. yet upon the *Withernam* the Sheriff may take any Cattel or other Goods.

Also the Sheriff may have Goods or Cattel to the Value, and he may take Goods of any Kind, of any Number, and of any Value reasonable in his Discretion, or by the Estimation of Neighbours. *Vide Dalt. 295, &c. & Dalt. Abridg. 191, &c.*

Retorn of a Writ of *Withernam*, that the Cattle taken dy'd in the Pound before Delivery of them to the Plaintiff.

Virtute istius brevis mihi directi Cepi in *Withernam* apud B. in Com. pdia' infrascript' sex vaccas de averiis infrascript' J. S. & duas vaccas de averiis J. W. que quidem averia abinde fugare & abducere feci in quodam Parco apud S. in Com. pdia' salvo & secur' ibidem custodiend' secund' exigentiam hujus brevis ubi averia illa moriebant' Et pdia' J. S. & J. W. nulla habent alia averia in balliva mea ad p'ns que ullo modo, &c. Offic. Brev. 214.

Aliter

Aliter in Withernam ubi nihil secund. Offic.

Brev. 216.

Iustic' infrascript' ad diem & locum infracentent' certifico quod infranoiat' N. B. nulla habet averia in balliba mea ad valenc' averion' infrascripti' prius capi' que in Withernam capere possum Ideo averia inframentoniat' infranoiat' C. D. delibare non possid' put interius mihi precipitur.

Et ulterius certifico quod pdict' N. B. nihil habet in balliba mea per quod Attach potest.

Pleg de Prox } J. Doe.
 &
 R. Roe.

Retorn' superinde ubi Superfed' ven' al Vic'.

Iustic' infrascript' certifico quod post adventum istius hzebis & ante Execucionem ejusdem recepi aliud hzebe Dom' Regine de Superfed' Virtute cujus Execucionis istius hzebis procedere non potui put idem hzebe de superfed' huic hzebi annex' mihi precipiebat'.

T. H. Ar. Vic'.

Brev. Judic. 410.

Retorn of a *Capias* in *Withernam*, and *Fieri facias* pro dampnis.

Virtute istius hzebis mihi direct' de Castell' infranoiat' III. III. in balliba mea Fieri feci 6l. & 12 d. infrascript' que infranoiat'
K k

Ban. Reg. frañoiat' C. M. & J. F. in Cur' infra-
 script' adjudicat' fuer' p dampnis suis &
 habuer' occone Premissorum infra-script' &
 denar' illos parat' habeo coram Justic in-
 fra-script' ad diem & locum infracontent'
 prout interius mihi precipitur Et ulterius
 Virtute hujus brevis de averiis p'd W.
 M. Cepi in Withernam unam nigram
 vaccam precii 3 l. & 4 d. & unam albam
 equam precii 10 s. Et ea p'fat' C. M.
 & J. F. deliberavi detinent' sibi quousque
 Averia infra-script' prius capt' eisdem C.
 & J. retornat' fuerint secund' exigenc' hu-
 jus brevis.

J. J. Ar. Vic'.

Vide Brev. Judic. 411.

It is noted, *Dalt.* 296. That if a Plea of *Wi-
 thernam* be in the County, (by Plaint before the
 Sheriff without the Queen's Writ,) and the Sheriff
 commandeth or sendeth to the Bailiff of a Fran-
 chize to make Deliverance, and the Bailiff of the
 Franchise doth nothing therein; then the Sheriff
ex officio (without any Writ) may enter into
 the Franchise or Liberty, and make Deliverance
 of the Cattel, and this he may do by Force of
 the Statutes 52 Hen. 3. chap. 31. & West. 1 ch.
 17. *Fitz. Wither.* 2, 10.

Writs

Writs and Returns of Writs.

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Quod non est Exec' infra ballivam Et quod
Scire fec' heredi. 3 Co. 11.

Mandabi Ballivo retorn'd.

Sur Venire fac in audita querela. Rast.
Ent. 97.

Simile sur Elegit. 2 Brownl. 126.

Quoad extent' breve execut' per Vic'
quoad resid' mand' Ballivo qui nullum de-
dit respon'. Rast. 595.

Mand' Ballivo qui nihil inde fecit. M. 4
E. 3. 25.

Mand' Ballivo qui respond' quod recepit
Warr' Carde, &c. P. 1 E. 3. 43.

Mand' Ballivo itineranti qui habet Re-
torn' breve p' Cartam Regis. 2 H. 4. 4.

Mand' Ballivo qui respondit put in
Schedule brevi consut'. Rast. 18.

Simile & quod Def. non est invent' sur
Cassa. 13 H. 7. 1.

Simile sed quod non potest habere cor-
pus rone Privileg' sanctuar'. 2 H. 4. 15.

Simile sur Cap' quod Def. fec' rescussu.
Rast. 579. bis.

Mand' Ballivo sup' Done qui respond' quod
Def. nulla het terras seu tenita que At-
tachiar' potest. 44. E. 3. 35.

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Wand Ballibo qui execut' est brebe de
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Id. 325.

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T H E T A B L E.

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Reg' | <i>Ibid.</i> |
| Cepi bona nomine Distractionis. | 42 |
| Aliter sur Cap' in manus de Mess. & Tenem'
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| Aliter vers. Collector | 43 |
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| Aliter cum Inquisitione | <i>Ibid.</i> |
| Aliter quod Maner' jacet in alio Com' | 45 |
| Aliter de Tenementis, Shopis, &c. | <i>Ibid.</i> |
| Quod Def. est Vic' in Com' B. | <i>Ibid.</i> |
| Cepi in manus quandam dimissionem super In-
quisitionem | <i>Ibid.</i> |
| Cepi corpus sur Commiss. Rebell. | 46 |
| Aliter & non est invent. | <i>Ibid.</i> |
| Commiss. Rebell. per Commissionar. | <i>Ibid.</i> |
| Diem clausit extremum & Inquisicon' superinde
of Household-goods and a Bond for Money | 47, 48, &c. |
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| Distringas, & Nihil return. | 50 |
| Aliter & nullum tale Manerium, &c. | <i>Ibid.</i> |
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| Aliter & nulla bona Exec. Hæred. Terr. tenen'
&c. fur Inquisicon'. | 51 |
| Aliqui nulla habent bona & Fi. fa. de bonis
aliorum, & alii ostendunt Exonerationes &
Securitas ab illis capt' | 52 |
| Nihil vers. Exec. live Adm. &c. | Ibid. |
| Vic. non potest Distringere seipsum | 53 |
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Thames. Shadwell. | Ibid. |
| Simile vers. Societat. African. ad respondend.
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| Simile to levy Money for repair of <i>Dover Castle</i> | Ibid. |
| Simile vers. Collector &c. where some have
no Lands and others are dead. | Ibid. |
| Simile vers. Exec. with Issues. | 55 |
| Extent & Inquisicon'. | |
| Extent & Def. mortui. | 55 |
| Nihil propter temporis brevitatem. | 56 |
| Per Inquisition. & Jur. ignorant tempus mor-
tis, nulla bona & catalla sed obiit seifit. de
Manerio. | Ibid. |
| Aliter & un. mortuus, alter residens in L. &
alii vagrant. | 57 |
| Aliter & nulla alia Maner', &c. præter in Sche-
dul. spec. | Ibid. |
| Extent in <i>London</i> & Cepi corp & detinuer.
quousque solvit denar. | 58 |
| Aliter vers. corpus Terr. & Tenementa, Bona
& Catalla, per Inquisition. capt. apud Gui-
hald. de Bonis & Moneta. | 60 |
| Aliter per Inquisition de bonis in Schedul' an-
nex' | 60, 61 |
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quisition. | 61 |
| Aliter vers. corp. terr. bona & catalla, Cepi
corp & Inquisitio pro resid. | 62 |
| Aliter | |

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- Aliter vers. corp. terr. tenementa bona & catalla,
& seisit. per Inquisition. 63, 64, &c.
- Aliter where Goods and Chattels were seized,
but no Lands 66, 67
- Aliter per Inquisition: & Def. die quo deven.
Debitor fuit seisit. de un' Mess. &c. Et seisure
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- Aliter, and Reversion found and seised, Def.
possess. etiam de bonis & seisure 68
- Aliter, and Rent due in arrear found, and
Goods in manibus R. J. Et nulla alia terr.
&c. 68, 69
- Aliter, & liberavi three Parts of a Manor in
septem partes divis. held by Lease 69
- Aliter vers. Cohæred. & al. quod fuer. Tenen.
& Cohæred. divers. terrarum & ulterius de
Manerio quod descend. filio & hæred. & ul-
terius Tenens Rectorie parcell. junctur. Hen.
Ma. Reg. Angl. Et ulterius Tenen. Mess. &c.
ut fil. & cohæred. Et ulterius Tenens Molen-
dini aquatici, Et quod scit. Maner. remansit
in man. Reg. absque aliquo Tenente. Et Te-
nens Manerii quousque concessit alteri, &
quod non est tal. Maner. in Com. voc. D. Et
ulterius quod Maner. Rectoria, &c. non de-
scend. aliter quam compert. est 70, 71, &c.
- That the Lands lie in the Cinque-Ports, & ideo
nullam execution' &c. 73
- Aliter sur Inquisition at the Suit of the King and
an Accountant, Seisin of a Reversion in Fee-
Tail, &c. Et quod Tenens pro vita est su-
perstes 74
- The like upon a Re-Extent upon a Statute-
Staple at the Suit of an Executor, Et nullus
hæres infra ætat. nulla alia bona, &c. Et sei-
zure 75
- The like upon a Statute of Lands and Goods
possessed of the Goods in the Schedule an-
nexed, and seized of a Moiety in jure uxoris,
quod

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| Aliter Retorn of an Inquisition upon a Statute where the Defendant hath Goods, but no Lands | 84 |
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| Aliter, Et quod obiit seifit. of a Messuage, &c. a Lease for Years found and Value, Household-goods found, a Bond found quod ad manus Exec. deven. seizure inde, Et null. al. terr. five bona, &c. | 87, 88, &c. |
| Retorn of an Extent out of the Exchequer against a Parson by the Archbishop of York, to whom the Writ was directed, That he did deliver to the Plaintiff all his Lands and Tenements Ecclesiastical, and that the Defendants hath not any Goods and Chattels. | 90 |
| Inquisitio devant Vic. sur Brief de Prerogative pur un Chauntrie | 91 |
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con' bon. J. B. defunct' Debitor. Domini Re-
gis | 93 |
| Fi. feci quandam dimissionem, &c. | 94 |
| Retorn de Fi. fa. ubi null. additio datur aliis
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| Homag' Retorn. brevis de respect' Homag. | 95 |
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| Aliter de terr. & ten. T. G. seisit. super Cap.
Utl. | <i>Ibid.</i> |
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